

# Southern Exposure

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## The Best of the Press

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SOUTHERN  
JOURNALISM  
AWARDS

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THE HOUSTON  
**POST**

THE JOURNAL  
WINSTON  
DAVIS  
DAILY NEWS

# Southern Exposure

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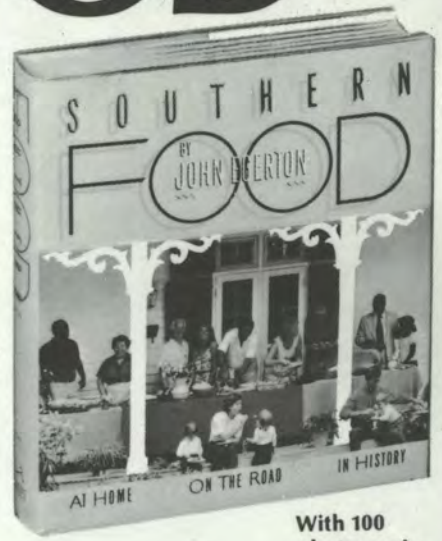
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Pages 5, 6, and 7 — David Leeson/*Dallas Morning News*; p. 12 — Chris Dorst/*Charleston Gazette*; p. 14 — Barry D. Arthur/*Arkansas Gazette*; p. 15 — Kitty Francis/*Arkansas Gazette*; p. 16 — Barry D. Arthur/*Arkansas Gazette*; p. 26 — Richard Pridemore/*Kentucky Post*; pp. 29 and 30 (bottom) — Rebecca Hood-Adams/*Jackson Clarion-Ledger*; p. 30 (top) — E.A. Kennedy III/*Jackson Clarion-Ledger*; p. 32 — Craig Hartley/*Houston Post*; p. 36 — King Chou Wong/*Houston Post*; p. 38 — T. Ortega Gaines/*Florida Today*; pp. 40 and 41 — Jim Tingstrum/*Fairfax Journal*; p. 43 — Jan Sonnenmair/*Dallas Morning News*; p. 47 — Harry Lynch/*News and Observer*; pp. 50 and 51 — J.D. Schwalm/*Jackson Daily News*; p. 53 — John Keating/*Dallas Times Herald*; p. 55 — Skeeter Hagler/*Dallas Times Herald*; pp. 62-63 and 64 — Bernard Troncale/*Birmingham News*; p. 69 — Mark Sluder/*Charlotte Observer*; pp. 70-71 — Candace Freeland/*Charlotte Observer*; p. 80 — Mark Almond/*Alabama Journal*; p. 82 — Chuck Eaton/*Winston-Salem Journal*; p. 87 — W.A. Bridges, Jr./*Atlanta Constitution*; p. 89 — Patricia Griggs/*Anderson Independent-Mail*; p. 93 — Frank Anderson/*Lexington Herald-Leader*

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# The Southern Journalism Awards

The daily newspaper is the single most influential arbiter of a community's images and information, the stuff of which public decisions and private aspirations are made. For generations, the South's media distorted, ignored, or otherwise discredited news that challenged the status quo and its foundation, the institution of slavery. Black faces were not even allowed on the pages of many newspapers until the 1950s, in some even later; "their" perceptions and experiences were defined by habit and hubris, by racism, as irrelevant.

The region's newspapers still resent affirmative action and resist organized labor, but their ownership and content have dramatically changed over the past 25 years. They increasingly mirror their national counterparts, and, as professionally-run enterprises, they hold themselves accountable to national rather than parochial standards of quality journalism.

Their power in local communities is in no way diminished by these changes. By defining legitimate newsmakers and sources of worthy copy, the press circumscribes the public debate and regulates a community's capacity to analyze its problems and reflect on its potential for change.

The Southern Journalism Awards aim to encourage daily newspapers to use these powers of analysis and reflection to their fullest. The Institute for Southern Studies began the awards this year to honor reporters whose stories broaden the range of issues, voices, and sources typically found in the mainstream media.

Submissions were invited for articles published in daily papers between July 1, 1986 and June 30, 1987 in two general categories: features that cover aspects of "The South in Transition," and investigative reporting that critically examines the practices of private and public decision makers. To our delight, we received 144 entries, nearly all of them series, many including a dozen or more stories.

The hard work of choosing the top four winners in each category, and awarding a total of \$2,000 in prize money, fell to four gracious and judicious individuals: Harry Amana, University of North Carolina professor of journalism and contest coordinator; Kip Branch, professor of English and journalism at N.C. Central University; David Cecelski, then an editor of the *Harvard Educational Review*, now board chair of the Institute; and Chris Mayfield, editor of the Pantheon Books anthology, *Growing Up Southern*, and former editor of the syndicated column, *Facing South*.

The judges spent hundreds of hours reading and discussing submissions which, perhaps because of our emphasis on critical reporting, tilted heavily toward the gloomy side of the South and nearly ignored the positive examples of citizens rallying together to change conditions. There were so many good entries, we decided to present excerpts from 27 of the 30 finalists in this special double issue of *Southern Exposure*.

The three missing here are Karen Olson's series in the *Tallahassee Democrat* on the "Poverty, Patience, and Hope" of a nearly all-black north Florida town, Gretna; John Monks' revelations in the *Charlotte Observer* of a secret slush fund used by the president of the University of South Carolina to buy gifts for politicians and others; and Nancy Rutter's detailed account in the *Island Packet* of the real estate deals that rocked Hilton Head's resort community.

Like many other finalists, these reporters used court records, documents obtained through vigorous use of state and federal freedom of information laws, tax filings, other little-used reports, and a wide range of interviews to expose the grotesque and the harmful with clarity and grace.

To all the winners and finalists, and to their collaborators at their respective newspapers, we say congratulations on work well done—and more power to you!

—Bob Hall, editor

## Investigative

### 1st Place Winner

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by Ira D. Perry

*Houston Post*

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*Anderson Independent-Mail*

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*News and Observer*

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# Homeless & Hungry in the Big D

## Keeping the Family Together

by David Tarrant

*Thousands of people in Texas are caught between burgeoning urban growth and a depression in the state's traditional industries. Other individuals, trapped by the limitations imposed by advanced age, fixed incomes, or mental illness, add to the ranks of a seldom recognized, but ever-increasing population of the hungry and homeless. Photographer David Lesson and reporters David Tarrant, Melinda Henneberger, Leslie Pound, and Dan Barriero from the Dallas Morning News provided a searing portrait of the city's destitute on Thanksgiving Day last year. Their 16-page special report elicited more than \$750,000 in contributions from readers for volunteer agencies that feed, clothe, and shelter the homeless.*

DALLAS - Pam Lovejoy turns her head toward the wall and winces as the attendant in the plasma center gingerly slips the hypodermic needle into her vein. Pam squeezes her hand repeatedly, working her fist like a piston, trying to force the blood faster from her vein through the clear tubing into the one-pint bag slowly filling beside her.

She draws a deep breath and sighs. Already in the past month, the 22-year-old woman has felt the needle pierce her skin eight times. "After a while," she says, "you get used to it so you don't feel it no more."

The hefty, T-shirted donor in the chair next to her has been watching. "You're earning this money," he says.

"I do every time I come here," Pam says. "I clog up a lot. I got poor veins."

"Bag down," she yells across the room to the attendant, alerting him that she's finished. "Finally." Exhausted, she slumps back in the chair. This is the second time this week.

Afterward, Pam joins her husband, Bob, and Joshua, their 10-month-old son. They meet on the sidewalk beneath a sign that reads:

*Community Plasma Center  
Your Donations Save Lives  
Immediate Cash for Donations*

It is not benevolence this chilly second day in October that brings Bob and Pam Lovejoy and others like them to the gray brick building at Ross Avenue and Peak Street. They bleed instead for money: \$8 for their first donation and \$16 for their second — an \$8 bonus for giving twice in one week.

Unemployed and living temporarily in a downtown shelter, the Lovejoys receive the bulk of their income this week in exchange for their donation at the plasma center — money for milk and diapers for Joshua, the \$5-a-day charge for the shelter, cigarettes, coffee and bus money.

Recent figures compiled by the City of Dallas indicate that at least 20 percent of the city's estimated 14,000 homeless street people are the "new poor," including families suffering financial distress or lack of housing.

Families, in fact, are the fastest growing segment of the homeless in America, according to congressional testimony this year. They represent 27 percent of all the homeless.

**T**here have been precious few blessings in Joshua Lovejoy's first year of life. Born Thanksgiving Day last year, Joshua has lived at a half-dozen addresses, sometimes wedged with other families in one-room bungalows, sometimes crying himself to sleep next to strangers in crowded homeless shelters. And a few times, huddled in his mother's arms beneath a bridge at night.

Pam and Bob were married August 3, 1984. Dallas was in the midst of an economic boom, preparing for the national spotlight of the Republican convention and the renomination of President Reagan. Bob had his own painting business. Virtually overnight after they married, the young couple's fortunes nose-dived. Bob's truck was stolen and with it, the tools of his trade.

In the fall of 1984, Bob tested the job market in Seattle where his family lived. In Seattle, Bob looked for work at the shipyard and found the job market depressed. In early 1985, after several months of working only odd jobs, the Lovejoys set out again for Dallas.

Once again the young couple was on the move, driving through California and Arizona, sleeping in their '67 Olds Cutlass, stopping only for temporary work.

One night in Phoenix, they pulled over at a motel. "We were just going to stop for a day or two, see what the work situation was," said Bob. "At that point we probably had about \$150 — just whatever I had been able to stick back. The car was right under our window. Got up the next morning, open up the door to the motel room and — no car!"

Pam and Bob were left with a sleeping bag, several pairs of pants and some shirts, he said.

Phoenix doled out the Lovejoys' first taste of homelessness. By day they ate stew at the Salvation Army soup kitchen. By night they huddled with other drifters beside fires along the banks of the Salt River, which cuts its way through the city.

For extra cash the Lovejoys donated blood at the plasma centers, but Pam said she finally had to stop. "We'd get through donating, and we'd go get something to eat and I'd start passing out," she said. "So I quit giving plasma and went to the doctor and he told me I was pregnant.

"He told me to settle down and have a baby."

Two days, two nights, and 1,010 miles later, they had hitchhiked their way back

to Dallas, "totally, unadulteratedly broke," Bob said.

"I've never had trouble getting work in Dallas. Ever. So I thought to come down here and maybe do a little better."

For Pam, a native Texan, and Bob, who left Seattle for a series of jobs as a painter and short-order cook in Dallas, life on the streets is nothing short of jarring. For weeks under the long shadow of an impressive skyline, a symbol of prosperity for the more fortunate, the Lovejoys have made do foraging for the basics: food, shelter and clothing.

**B**ob and Pam, with Joshua in his stroller, walked 13 miles from the shelter to check out a job prospect. He filled out an application, and the employer, a manufacturer of bed frames and other metal products, had sounded opti-



**PAM WINCES AS LETHIA JOSEPH, OF THE PLASMA CENTER, INSERTS A NEEDLE INTO HER VEIN.**

mistic, telling him to check back in a week.

The next day, Pam and Bob walked through downtown hawking newspapers. Pam used a borrowed umbrella to shade Joshua as he sat nearby in his plaid stroller.

A few passers-by, noticing Joshua with Pam, had tipped her a dollar, and one woman bought Joshua a pint of milk. Others simply stared past her as they hurried by. A few meddled.

One young man stopped Bob near InterFirst Plaza and offered unsolicited advice: "If you say 'Extra! Extra! Daniloff freed!', you'll do better."

"Buy one and I'll say it," Bob snapped.

A woman carrying a Bible started reading verses to Pam. Joshua dropped his bottle on the sidewalk and started crying. The woman left.

The weekend brings good news on Bob's job application at the metal products company; he starts Monday. "We're hanging in there," Bob says before starting his new job. "It'll work out, I guess."

In a few weeks, he figures, he'll have been able to put back a little money to rent a house, the first permanent home in Joshua's life.

## Four Trips to Terrell & Counting

by Melinda Henneberger

beds in the dim red glow of an exit sign.

Among these figures lies 27-year-old Maxwell Maxey, a diagnosed paranoid

Throughout the night, darkened forms move soundlessly through the cavernous shelter, standing over sleeping bodies or pacing up and down the rows of narrow

schizophrenic released only today from Terrell State Hospital with a plastic garbage bag full of wrinkled clothes and a paper sack full of medicine.

Fully clothed and still wearing his dirty gray sneakers, Maxey writhes painfully on the bed and, head twisted back, finally curls into a contorted fetal position.

Burt Gasaway watches from the next bed. "What's wrong with him?"

"Nothing right now," Maxey answers for himself. "My neck twitches to the right and left."

"Man, don't tell me it's going to be one of them nights. I don't need one of them nights. Don't kick the bucket tonight. Wait 'til I leave tomorrow."

Before Maxey succumbs to the sleep he says is his only reprieve from the "faded mirage voices" that whisper unspeakable thoughts, the newly released mental patient wonders what life on the street holds for him.

"I hate to see what tomorrow will bring if this is my first day out of Terrell State Hospital."

Maxey is but one of the thousands of psychiatric patients throughout the state and nation who are stuck in a revolving door: treated in a state institution, released to fend for themselves on the streets, referred to overburdened and inadequately funded community mental health centers and, eventually, readmitted to the state hospital.

Maxey has gone through the turnstile four times.

When caseworker Terry Paul first found him 18 months ago, Maxey was living in an abandoned railroad tank car on an abandoned track south of downtown. Maxey had lined the tank car with cardboard and carpet scraps.

He had begun a rapid downward spiral that landed him on the streets after symptoms of schizophrenia — voices, paranoia and delusions — cost him his job as a furnace operator at a tank manufacturing company. Physical symptoms — violent shaking and the neck and arm movements — also kept Maxey from working; bizarre and sometimes violent behavior barred him from shelters for the homeless.

For 151 days in 1982, 96 days in



BOB AND PAM LOVEJOY PLAY WITH 10-MONTH-OLD JOSHUA ON A DOCK OUTSIDE THE DALLAS LIFE FOUNDATION



1983 and 119 days in 1984, Maxey had been hospitalized and treated for schizophrenia. "I've been in and out of Terrell four times, and I'm not that sick," he said. "I've got to get something done about this merry-go-round in and out of Terrell State Hospital."

This last time, after threatening a traffic cop with a three-inch pocketknife and begging him to shoot him, Maxey was committed September 18, 1986, to the East Texas hospital for another 90 days.

The knife incident was triggered, Maxey says, by the relentless voices "telling me how sorry I am and things like that."

"I pulled it out and told him to kill me," Maxey said, "But I want to live as much as the next person. I was in a trance."

After 45 days in the acute stabilization unit — half the time ordered by the court — Maxey has been stabilized on medication and is being released today. He is full of bravado, but later he admits

being insecure about going back to Dallas alone.

Just before two p.m., amid a chorus of good-byes and well-wishes, Maxey is handed his belongings in a garbage bag, and steps into the hospital van.

"Stay crazy," says one who isn't going.

Boarding the Trailways bus for Dallas, he pauses for a last look and hugs a worker who has accompanied him to the bus stop.

"I'm sure I'll be back."

## Growing Up on Skid Row

by David Tarrant

he's the tallest one over there."

"Over there," in 10-year-old Venus' terminology, is the only home she's ever known in Dallas, a one-story orange brick warehouse on Austin Street on

"All my friends are big," says Venus. "Harvey and Stretch, they call him Stretch because

downtown's southwestern edge.

"The shelter I stay in is nice," she says. "I get a bedroll to sleep on and some food."

While most of the Austin Street Shelter's transient residents are adults, occasionally a few kids her size show up.

After school lets out, Venus walks home from the bus stop at Old City Park with her mother, Deborah. This afternoon, she's singing a song by Boy George. As she turns into Austin Street, she spots a couple of her big friends tossing a Frisbee.

Venus, her tousled blond hair flashing in the sunlight, sprints the last block and leaps for the Frisbee, which floats softly, slowly just beyond her reach.

Venus' hair falls over her eyes and tears roll down her cheeks. The moon still shines in pre-dawn Dallas as Venus and her mother leave the shelter for the bus stop where Venus will catch a ride to Pearl C. Anderson Elementary, a few miles southeast of downtown.

This morning, Venus would rather have stayed behind at the warm shelter. In the 45-degree chill, she thrusts one hand deep into her blue sweatshirt worn under a ski jacket and overcoat. Dragging her blue book bag along Canton Street, she trudges past Dallas City Hall, past a billboard of a smiling Michael J. Fox of the TV sitcom *Family Ties*.

Inside a rusted-out structure of steel pipes at the corner of Harwood and Cadiz Streets, homeless men huddle around a fire or curl up on torn cardboard. Deborah and Venus quietly walk past them and stop farther up the street for coffee at Burt's lunch counter.

At Burt's, Venus makes a collect call to Arizona.

"Guess what, Grandma? I got my ears pierced," she says. "I just wanted to call you before I went to school. . . ."

"I love you too, Grandma."

In 18 years of work with the homeless, the Rev. Jerry Hill has seen the change come over the streets. It isn't easy for Hill to discuss the little ones who climb the steps of his shelter on Austin Street and others like it in Dallas. At the Salvation Army alone, almost 600 children and their families have spent the night this year.

"The by-product of this," Hill says, "is that we're raising a new Skid Row generation". □



Reporter: What did you learn in school today?  
Venus Wilson: I learned about school; I already know about the other stuff.

# The Water Below: Poison in Our Wells

## HONORABLE MENTION

By Dwayne Yancey  
*Roanoke Times World-News*

Two of five Virginians get their drinking water from wells — about the same proportion as the rest of the South. But until recently, little attention has been given to protecting the ground water that feeds these wells. In a four-month project that led to a four-day series (February 21-24, 1987), staff writer Dwayne Yancey analyzed the national and local context for the growing concern. He profiled communities at risk in detail, used sources like anti-poverty groups to link water quality to larger issues, and explained how the area's ground water could be better monitored and protected.

**WESTERN VIRGINIA** — The environmental movement has gone underground.

For years, environmentalists have focused on cleaning up the nation's lakes and rivers. Now they've turned to a problem that's less visible, far more difficult, and in many ways more pressing — the quality of the well water we drink.

Wilma Warren, who heads a Total Action Against Poverty agency in Roanoke that deals with water issues, says ground water — which 2.2 million Virginians, about 41 percent, drink every day — is rapidly emerging as “the No. 1 environmental problem.”

In Virginia, ground water pollution complaints more than quadrupled in six years, from 29 in 1979 to 129 in 1985.

Roanoke County, which gets half of its public water from ground water, had to shut down three of its most productive municipal wells, supplying close to one million gallons of water a day, after they became contaminated by gasoline. The Shenandoah Valley town of Berryville had to build a \$1.3 million pipeline to get water from the Shenandoah River after its wells were contaminated with chemicals from an unknown source.

In Botetourt County, Mary McGee's dogs died at her Troutville kennel after her well was contaminated by a highway department salt pile. In Buckingham County, Carroll and Ann Gillispie have been hauling water in milk jugs from a neighbor's house for four years, ever since they learned their well had been contaminated by a landfill.

“Ground water is mostly mysterious and unmonitored, so unless there's a spill

or a well contaminated or some other incident, you really don't know what's going on down there,” says Rich Collins, an environmental expert at the University of Virginia. “People refer to it as a hidden resource. Even if you're interested, it's hard to find out what it's connected to.”

Federal studies indicate that no more than one to three percent of the nation's ground water has been contaminated, and then, because it moves so slowly, only in quite specific places. Ground water advocates such as the internationally known Jay Lehr of the National Water Well Association say that's good news, that we've caught the problem of ground water contamination before it has become too serious.

But the ground water that is contaminated is often the ground water closest to big cities, the ground water most likely to be tapped by future wells.

◆ On Long Island, N.Y., more than 200 common chemicals — from spot removers, oven cleaners and toilet bowl cleaners up to gasoline and pesticides — have been identified in the ground water. In all, wells serving two million people in 36 communities have been shut down.

◆ In California, 39 wells serving 400,000 people in 13 cities were closed after the ground water became contaminated with cancer-causing chemicals.

◆ In Colorado, 30 square miles of ground water near Denver has been contaminated by pesticides that leaked from a factory's holding ponds.

◆ In New Jersey, a court three years ago ordered Jackson Township to pay \$16 million to 97 families whose wells were contaminated by a municipal landfill. The families blamed the landfill for an increase in cancer cases and other illnesses in the community.

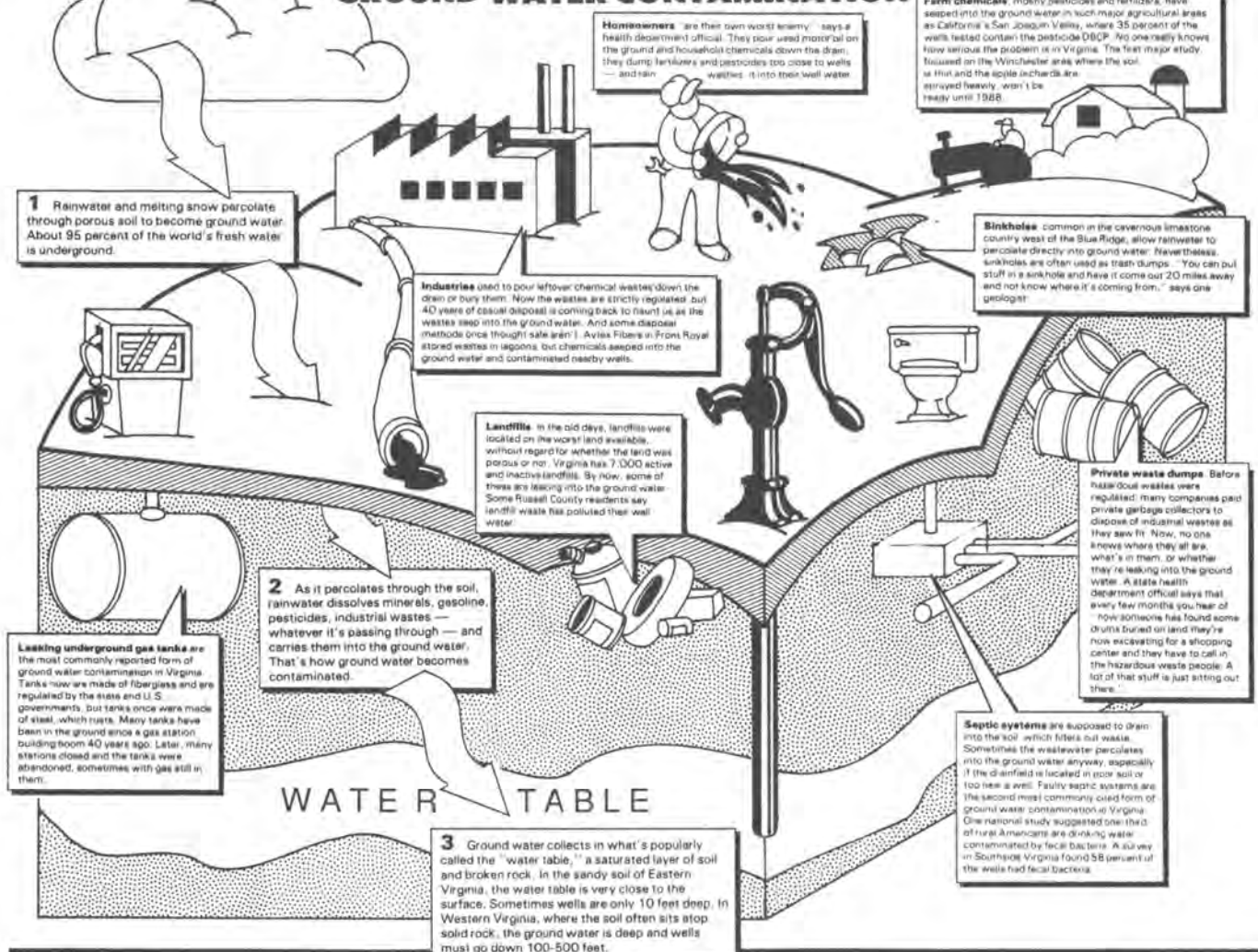
Virginia has nothing so alarming — that we know about.

“We have been spared, thankfully, the real horror stories that have shut down municipal systems in New York, New Jersey and Massachusetts,” says David Bailey, head of the Virginia chapter of the Environmental Defense Fund, the state's major environmental lobby.

“But Virginia has not been spared the multitude of small catastrophes — leaking gas tanks, industrial lagoons and industrial sites where old drums have been stored. People's wells have been shut down and people are drinking water they shouldn't be.”

Most of the major cases of ground water pollution have been in Virginia's urban

# GROUND WATER CONTAMINATION



ROBERT LUNSFORD/RT&W

east, where the wells are shallow (because the ground water is closer to the surface in the sandy soil) and industries more common.

But the rural west — especially the limestone country of the Shenandoah Valley — is just as vulnerable, if not more so. Wells are deeper, but the valley sits on a honeycomb of caverns and rock fractures, so pesticides and septic wastes can slip into a crack in the rocks, go directly into the ground water and turn up miles away in no time, a significant exception to the slow movement of most ground water.

"We're at such great risk in this valley," says Richard Halpern, the county planner in Rockingham County, because ground water sometimes moves quickly and unpredictably — and without the filtering effect of eastern Virginia's sandy soil.

Grant Goodell, a doctor of environmental science at the University of Virginia, is testing water from more than 200 wells in Frederick and Clarke counties at

the northern end of the Shenandoah Valley.

Besides having the thinnest soil in the valley, both are big apple-growing counties — and orchards are notorious for the amount of sprays they use.

Six years ago, chemicals found in pesticides and fertilizers turned up in the two town wells of Berryville, the Clarke County seat. No one knew exactly where the chemicals came from.

The wells had to be shut immediately. Fortunately, the town had an abandoned reservoir in the mountains it could use until it built a million-dollar pipeline to pump water from the Shenandoah River.

The truck-farming country of the Eastern Shore has exactly the opposite geology from the Shenandoah Valley — sandy soil and a high water table. But because the water table there is so close to the surface, it may be just as vulnerable to pesticide contamination.

"I'm scared to even find out what's in there," says Fay Lohr, director of an anti-

poverty group on the Eastern Shore. "I think ground water contamination from pesticide has some relationship to the high cancer rate here" — an incredible 65 percent higher than the state's average.

Contaminated ground water might not be such a big deal if it could be cleaned up as easily as lakes and rivers. But its very nature — oozing around way down in the ground somewhere, not neatly confined in a riverbed — makes it hard to deal with.

Roanokers old enough to remember bobby socks and tail fins also remember the old American Viscose plant, a smoke-stacked, red-bricked beast of a factory that sprawled low along the Roanoke River.

For 41 years, it hummed with workday regularity, one of the valley's surest employers. But with the end of World War II and new synthetic fibers coming along, the demand for its rayon dropped

sharply. The plant's sudden closing in 1958 threw 2,000 men and women out of work and cast an economic pall over the Roanoke Valley.

Today's Roanokers could be the lucky ones. The company kept its sister plant at Front Royal, a small town in the northern end of the Shenandoah Valley. Now, Avtex Fibers is well known in Virginia, perhaps more well known than it would like to be.

Chemical wastes stored in a vast network of lagoons have seeped underground, migrating beneath the Shenandoah River and poisoning wells in two subdivisions on the other side. Avtex is a classic example of the unpredictability of ground water and the hazards of even the most innocuous industrial practices.

The ticking time-bombs of environmental pollution are going off all around us. An old landfill. A factory here. A long-ignored dump site there. But the most common threat to Virginia's rich supplies of ground water doesn't come from the big-time polluter that grabs all the headlines.

Instead, the most common form of ground water pollution comes from an almost invisible source — from oil and gasoline leaking from underground tanks at gas stations, farms, factories, homes.

"Hardly a week goes by that we don't get a call about this," says Mac Sterrett, a geologist in the State Water Control Board's Shenandoah Valley office. "They're everywhere. They're on every street corner in America, and we don't know how many we never hear about."

At the crossroads of Sharon in rural Pittsylvania County, you can gas up at either the Austin Brothers service station or M.B. Tomlinson's Sharon Supermarket.

M.B. Tomlinson first noticed the odor in the tap water at his store's grill three years ago. "It had a foul smell to it," he says. "It started as a gradual thing and then all at once, bam, it got really bad."

Now the State Water Control Board is pumping 50 gallons of pure gasoline from the ground each week — and Tomlinson is headed to court against Danville's largest gas distributor, which owns the tanks at the Austin brothers' station.

The federal Environmental Protection Agency has estimated that more than a third of the underground tanks across America may be leaking, dripping 11 million gallons of gasoline into the ground water each year.

Nationwide, the EPA says, the most common complaints about ground water pollution are about home septic systems, another hard-to-control problem. In Virginia, complaints about domestic sewage rank second, right behind oil spills and leaking underground gas tanks. Of the 866 complaints the state Water Control Board received in the fiscal year ending July 1986, 223 were about domestic sewage, 244 about petroleum.

And that, of course, is only what's formally reported.

"Quite frankly, most people don't want to know what's in their water," says Jerry Peaks, a Health Department official in Abingdon, so they're not keen on having it tested. And even if their water is contaminated, they might have no reason to suspect it. "A household that would consistently consume the water would develop an immunity. But when they have visitors for the weekend who drink the water, they'd get sick and wouldn't know where it came from."

So when you consider how many septic-contaminated wells likely go unnoticed and unreported, then "unquestionably, the overwhelming form of ground water contamination in the state, especially in rural areas, is bacterial," says Jason Gray of the Virginia Water Project. The Roanoke-based group, an offshoot of Total Action Against Poverty, focuses on providing water to poor rural residents who have no clean drinking water.

"All the poor folks get the poor land, so they end up with septic systems that don't work and then get contaminated wells," says Charles George, another Virginia Water Project official. He guesses maybe one-third of the land in Virginia is unsuitable for septic drain fields; in some counties, as much as 60 percent of the land won't perk.

Fincastle started talking about building a town water system when shallow, private wells in the Botetourt County seat became contaminated with fecal bacteria in the mid-1970s. "We'd been putting waste into the ground here for 200 years and it just couldn't take any more," Mayor Harold Eads says. The talk about a town water system finally turned to action when the ground water was made absolutely undrinkable by petroleum pollution.

Speedwell in Wythe County also had to build a new water system when its spring became contaminated by nearby septic drain fields in the early 1980s.

"The spring had been in use for 50 years but people had built up around it," says Jerry Peaks of the state Health Department. Wastewater from those septic fields eventually drained into the ground water feeding the spring.

Exactly how common septic contamination is in Virginia is hard to say. Since 1982, the Health Department has been required to test private well water, but only when wells are installed at the same time as septic systems. In western Virginia, about 15 percent usually fail.

Cornell University once did a survey that estimated that nearly one-third of all rural Americans are drinking water with high bacteria counts.

During the 1980s, Virginia and the federal government have moved to regulate underground gas tanks, new septic systems, landfills, hazardous waste dumps — all the standard villains of ground water contamination.

None of those regulations, however, can stop the more insidious causes of ground water contamination — farm chemicals, lawn fertilizers, storm runoff from dirty streets and parking lots, and all the mild-mannered industrial operations that don't fall under the category of hazardous wastes but could still, with a slip here or a spill there, pollute the ground water.

"The biggest single roadblock to ground water protection is the reluctance of everybody in the whole world to deal with land use," says Charles George of the Virginia Water Project. "The only thing that affects ground water is what you do with the land on top of it."

Dr. Goodell of U.Va. contends the state has wrongly "abdicated" zoning powers to local governments. "There are two million Virginians on private wells with no protection at all of their water source," Goodell says. "To protect private well water, we will need some severe zoning changes. The zoning in one county can affect water quality in another."

Florida will spend \$125 million this year buying land to protect its rivers and areas around water recharge zones. Miami has taken what Goodell calls "draconian measures" to protect its municipal well water, setting up a forbidden zone around each of its wells. Within this zone, Miami "doesn't allow any filling stations or industries or commercial establishments that use chemicals that might accidentally get into the ground water," Goodell says.

Miami's situation sounds extreme, but the spills or rain that falls on the ground eventually percolates down through the soil and recharges the ground water, carrying with it whatever poisons it picks up along the way. Along geological faults, where the underground rocks were broken by cataclysmic upheavals eons ago, ground water is usually plentiful and the rainwater more easily recharges the underground supplies. Controlling these so-called "recharge zones" is one of the keys to protecting ground water.

Unfortunately, communities have grown up without regard for geology. "On the Eastern Shore, the main recharge area for all the ground water, runs right up the middle of the peninsula, along the only main road — U.S. 13 — where all the development is," George says. "So everything that could contaminate that water system sits on top of the main recharge area."

"All you read in these trade journals

anymore is ground water protection and ground water recharge," says John Hubbard, Roanoke County's assistant administrator for public facilities. "But unless you control the recharge zone, there's no way to control it. To do it here, you'd have to control the whole valley." That's one reason why the county wants to get away from its well-based water system and build a major reservoir off the Roanoke river west of Salem.

Indeed, the Roanoke Valley has four major recharge zones, stretching from one end of the valley to the other. But one of them runs right under downtown Salem and Roanoke. Another passes under Williamson Road, where, for years, the city took the rainwater running off city streets and pumped the dirty storm water into deep disposal wells.

"They were putting gas, oil, who knows what down in the ground water," Hubbard says. "The state stopped that. But a lot of times you can't control it. It

would be impossible to control the recharge zone in the valley. You'd have to own the whole valley and then you wouldn't have anything to develop."

State Water Control Board geologists say that's an exaggeration, but the point is the same — to protect ground water, state and local governments, for better or worse, must control what happens on the land.

"The state has to make some hard decisions — 'No, you can't locate this factory here because it's too near the ground water,'" Bailey says. "Or, if you do locate an industrial lagoon in a karst region [with limestone caves and sinkholes], you have to go to great expense to prevent contamination, with lots of money up front, and the American public is hesitant to spend a lot of money to prevent something that hasn't happened here."

But that's just the point, he says. It has happened before. □

# Don't Buy Your Insurance From This Man

## HONORABLE MENTION

by David Davis  
*Charleston Gazette-Mail*

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*Fear is the best friend of insurance hustlers, especially those targeting senior citizens afraid of the gap between their hospital bills and the amount Medicare pays. In five articles and three charts on December 28, 1986, David Davis revealed the distortions of "medigap" tele-salesmen like comedian Danny Thomas, the inadequacy of state regulation, and the truth about the gaps in Medicare coverage. Three months after his work appeared in the Sunday Charleston Gazette-Mail, the legislature and governor enacted a law making West Virginia one of only a few states to regulate health and life insurance sold over television or through the mail.*

CHARLESTON — West Virginia's senior citizens are paying an estimated \$40 million to \$50 million a year for "medigap" insurance to supplement their Medicare coverage and probably one-fourth of this outlay was worthless, according to national findings.

The coverage was either inadequate or it duplicated insurance the elderly already possessed. Some of it was sold by companies which have licensed agents in the state and which are cursorily regulated by the insurance commissioner. However, most medigap insurance is sold by companies not regulated at all.

This year many of West Virginia's 273,000 citizens over 65 years of age

bought medigap insurance advertised through the mail or on television, where glossy ads and trusted personalities talked them out of their money.

"The elderly are susceptible to scare tactics," said Tom Marchio, who handles medigap complaints for the state insurance commissioner. "They're just afraid they're not going to have enough insurance if they get sick."

Rep. Claude Pepper (D-Fla.) agrees. Pepper, chairman of the House Select Committee on Aging, said some insurance companies have capitalized on the anxiety about ever-increasing health costs, selling senior citizens essentially worthless insurance policies.

For most senior citizens, who spend about 17 percent of their income on health insurance, the buying of medigap insurance is a reflex action. Motivated by fear, Pepper said, they buy hope. A government study says at least one of the four billion dollars senior citizens spend nationally on medigap insurance is wasted.

Consider the case of 81-year-old Matilda Sutphin of Lincoln County. Sutphin lives with her son, Melvin, and granddaughter, Corinna, in a four-room house in rural Snowden Hollow. The family ekes out a living on her Social Security benefits of \$633 a month.

Sitting by the gas floor heater in her living room, surrounded by hundreds of porcelain figurines and plates, she remembers the commercial that sold her one medigap policy, and later four others.

"After my husband died I just thought I was going to die any day," she said. "But I just kept on living."

As she grew older, Sutphin said, she began to worry about getting sick. She feared hospital bills. She feared dying destitute. "Danny Thomas kept writing me about his insurance. I'd see him on TV all the time. I wish I could talk like that. He had to tell me how good it was and how I needed it. How Medicare wouldn't pay all my hospital bills. How his insurance would.

"He said it [a hospital stay] would take all the savings I had and then I would have nothing. I wouldn't have nothing and being a burden on the kids and everything. He said I needed the insurance."

For 10 years, Sutphin said she faithfully mailed monthly premium checks to the Union Fidelity Life Insurance Company, the insurer Danny Thomas represents, paying on some of the five policies she had taken out. Sutphin thought she had purchased hospitalization insurance that would cover everything not paid for by Medicare. She was wrong.

In February of 1985, she fell and was taken to Thomas Memorial Hospital's emergency room for treatment. After having pumped an estimated \$2,400 into the company, according to canceled checks, Sutphin called on her insurance.

The hospital billed the elderly woman \$100. Medicare paid \$80, and Sutphin paid \$20, according to Medicare records. Her Medicare supplement paid nothing.

Sutphin said she tried to collect on that bill and others that followed. Union Fidelity did not answer her letters. When she phoned the company with her complaint, it tried to sell her more insurance, she said.

Thirteen months later, Sutphin needed her insurance again. Altogether, Sutphin paid \$1,043.30 for health care in 1985 and 1986, according to Medicare records and canceled checks. Her medigap insurance paid \$135.71.

In a letter to the insurance commis-

sioner dated Jan. 15, a Union Fidelity claims representative upheld the firm's position in not paying most of Sutphin's medical expenses. The representative explained the fine print of Sutphin's coverage, a courtesy which Sutphin said was not extended to her by Danny Thomas when he was selling the insurance on the commercial.

This policy does pay what Medicare doesn't pay, as Thomas said, but only on Medicare-eligible charges, which include about half of an elderly person's health care costs, according to government statistics. It does not pay other health care costs, among them outpatient care and certain physician charges.

**D**anny Thomas is not the only celebrity selling insurance over television. Senior citizens across West Virginia sat watching cable television one recent afternoon, when the Ponderosa's Little Joe Cartwright, Michael Landon, materialized on their screens.

Little Joe wasn't wooing cowgirls or knocking around with his older brother Hoss or even standing up for the rights of neighboring cattle ranchers. He was selling health insurance.

Representing Veterans Life Insurance, Landon offered war veterans a "unique opportunity," the chance to buy

hospitalization insurance. The insurance, Landon said, will pay up to \$1,500 a month, or \$50 a day. Veterans and their families cannot be turned down.

Landon introduced a retired Veterans Administration official who he said lost both legs fighting for his country. This veteran, too, recommended the coverage.

The Veterans Life coverage pays above Medicare and other insurance policies, Landon said, reminding viewers, just before he faded off the screen, that one person in every two families will be hospitalized this year. But what Landon neglected to tell his audience, and what few people discover until they file claims, is that Veterans Life pays benefits far below the level deemed fair by West Virginia law.

Landon doesn't mention in the advertisement that less than one percent of all patients hospitalized stay longer than one month, according to a recent report by the House Select Committee on Aging. That figure includes elderly patients. Hospital administrators at eight West Virginia hospitals said the average Medicare patient stayed about eight days in 1985.

Since the Veterans Life Insurance hospitalization insurance doesn't pay for home or nursing home care, few people

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**MILDA SUTPHIN OF LINCOLN COUNTY PAYS \$49.25 A MONTH FOR MEDIGAP INSURANCE TO SUPPLEMENT HER MEDICARE. SHE BELIEVES HER CURRENT POLICY IS BETTER THAN THE LAST FIVE SHE BOUGHT.**



ever receive extended benefit checks. So few, in fact, that if the company tried to license agents to sell the insurance instead of advertising it on television, the 46 states which have adopted minimum benefit payment levels would turn it away.

Veterans Life does not stand alone.

Of those insurance companies selling health insurance in the state of West Virginia, the *Sunday Gazette-Mail* has found that more than half did not pay out the minimum level of benefits. In other states, the figure is about the same, a General Accounting Office audit determined.

In West Virginia, companies whose agents sell individual policies must return 60 cents worth of benefits for every premium dollar collected, said William Midkiff, a rate analyst for the insurance commissioner. Those companies offer-

ing in-state group health insurance policies must pay benefits of 75 cents on every premium dollar.

Midkiff said his office refuses premium rate increases to companies whose loss ratios fall below these minimum standards, although it has made exceptions.

Some insurers, because of the type of policy they sell or the way they sell it, are exempt from state regulation. Many dread-disease policies, such as cancer insurance, are beyond the authority of most states.

Insurance sold on television is not required to fulfill loss ratio standards or submit the coverage for state review. The *Charleston Gazette-Mail* identified 30 companies with ratios below 60 percent, including 13 with loss ratios below 50 percent. Midkiff said his office doesn't follow the loss ratios of televi-

sion advertisers, since it has no jurisdiction over them.

"They will up front tell you, 'We don't have to file our policy with you and we don't need your approval,'" said Wanda Smith, director of the insurance commissioner's consumer division. "I've heard that many times."

Midkiff said companies using television promotion get around tough state laws by setting up group trusts in places where policies are not strictly regulated. "If they don't like the way we do business, they go elsewhere, set up the trust, and come back and sell insurance, going behind the curtain, so to speak."

Of the dozen insurers which use stars to promote their coverage on television, records show only four would be permitted to sell in West Virginia, if they were required to meet the state's benefit payment standards. □

# Federal Fixup Or Down-Home Fraud?

## HONORABLE MENTION

by Jim Keary and Tyler Tucker  
*The Arkansas Democrat*

Acting on an informant's tip, the *Arkansas Democrat* began reviewing thousands of court records, tax reports and other public documents until it was ready to confront North Little Rock Community Development Agency officials with a clear pattern of misused federal grant money. More evidence of corrupt dealings surfaced with the publication of a series of articles by Jim Keary and Tyler

Tucker beginning March 22, 1987. In late November, as we go to press, the agency head and owners of two home improvement companies face likely indictments for fraudulent use of federal community development funds.

## MARCH 22

NORTH LITTLE ROCK officials authorized federally funded home improvement grants to five dead people, two of them dead for almost four years.

The information was discovered during a month-long review by the *Arkansas*

*Democrat* of the \$400,000 Community Development Interim Assistance Grant program, administered by the North Little Rock Community Development Agency.

The grant program, funded by the federal Department of Housing and Urban Development, provides funding to low-income homeowners for home repairs. The program expenditures were approved by the Community Development Agency's top three officials.

The *Democrat* found that during the nine-year history of the program:

- ◆ Funds were disbursed to contractors for work at locations where homeowners said work was never done.

- ◆ Funds were disbursed to contractors although public records show the grants were voided.

- ◆ Grants were issued to people who had never lived at the location or were not the property owners.

- ◆ Numerous grant recipients received multiple grants while others said their pleas for assistance went unanswered.

- ◆ The majority of the recipients interviewed complained of shoddy workmanship.

- ◆ Grant documents and other public records concerning the program were altered or missing.

The program was designed to assist people like Zora Wright, 71, of 1015 F. Street, who received a \$1,850 grant to

repair her roof in 1981. But Mrs. Wright's roof still leaks in her four-room house. "The city ain't done nothing but take my money," she said. "They were supposed to put a roof on here, but it still leaks."

Agency Director Charley Baxter told reporters Friday he was unaware of the problems. He said he would seek advice from City Attorney Jim Hamilton. "I need to talk to some people to find out what to do," Baxter said. "I want to get to the bottom of this. Bill Rush has been the one administering the program."

Rush is the agency's housing rehabilitation officer. He did not appear at an

appointment made with reporters Friday.

Some of the city grant records of the five deceased recipients did not contain signed and dated applications; on the others, applications were altered. Work at three of the homes of the dead recipients had apparently not been done, although records indicated that \$2,000 worth of roofing work was done on each home. The work on the home of another dead recipient could not be inspected because the house had been demolished.

The greatest discrepancy in the time between the date of the grant and the death of the recipient was an application for a \$1,845 grant for Lucy Price of 122

E. 23rd Street. Baxter said Friday he prevented the payment of \$1,845 to a contractor for the 1986 grant for the late Mrs. Price when he inspected the house and learned that no work had been done. He was told by Rush that the contractor needed the money up front to purchase the construction materials.

"I was told the check was being prepared, but I put a halt to it," Baxter said. Baxter said he did not learn Mrs. Price was dead until reporters told him Friday. He said he was "shocked" to learn that Mrs. Price was dead four years before the grant was issued.

#### MARCH 23

Of six homeowners listed in city records as receiving more than one grant, four said grant work was not done. City records revealed that contractors had been paid more than \$14,000 for work that homeowners said was never done.

The agency files on the specifications and descriptions could not be found on any of the grants disputed by the homeowners. Similar discrepancies were found among people the agency reported as receiving only one grant.

The inquiry into the grant program also revealed that:

- ◆ An applicant's signature was apparently forged.
- ◆ Shoddy workmanship was reported.
- ◆ A grant was issued to a recipient at the wrong address — which was a vacant lot.
- ◆ City records were altered and missing.

Elzada Comb of 317 Hazel Street said Thursday she never applied for a grant and no work was done on her house. Yet, a journal kept by Rush showed Mrs. Combs received a \$1,985 grant on Nov. 21, 1986. No other records could be found, other than a check stub confirming the grant was paid Dec. 1, 1986.

"I don't have anything like that [a grant] — not at all," Mrs. Combs said. "I never applied for one. I've lived here 18 years."

#### MARCH 25

North Little Rock officials approved a federally-funded home improvement grant in 1986 for a house that had been vacant for two years and has now been condemned, the *Arkansas Democrat* learned Tuesday.

Community Development Agency records showed that a grant was awarded

ZORA WRIGHT OF THE DIXIE COMMUNITY STANDS IN THE KITCHEN OF HER HOME, WHERE REPAIRS WERE MADE IN 1981 WITH A GRANT FROM THE NORTH LITTLE ROCK COMMUNITY DEVELOPMENT AGENCY. THE ROOF LEAKS.





to George W. Scott of 1305 E. 16th St. for \$1,910 to replace water lines and rotten sills.

City records showed that Haney Construction Company invoiced the agency for the work on March 19, 1986. The records showed that a check was issued to Haney Construction Company for \$1,910 on March 26, 1986.

Rush said in a memorandum he had inspected the house and authorized payment.

However, Scott's son-in-law, Edward M. Toomer of North Little Rock, said in an interview Tuesday that Scott had a stroke about two years earlier and was forced to abandon the home. "His house stayed vacant," Toomer said. "There was no work done on that house."

#### MARCH 26

The inspector general's office of the federal Department of Housing and Urban Development has been asked to investigate apparent irregularities in the use of federal grant funds by the North Little Rock Community Development Agency, John Suskie, HUD's Little Rock manager, said Wednesday.

Suskie said the request was made Monday after the *Arkansas Democrat* published the findings of a month-long review by the newspaper of the city agency's \$400,000 Interim Assistance Grant program. Meanwhile, more grant recipients have contacted the newspaper about the program's irregularities.

Effie Mae Holman of 118 N. Clover Street said she only received one grant while city documents showed her as receiving two. She said work was not completed on a grant in 1980 and contractors were sent back a year later by the agency to finish the original work.

Records showed that Big O Construction Company of North Little Rock was paid \$1,910 on Nov. 10, 1981 to replace rotting wood windows and install storm windows and doors. Mrs. Holman said that Big O didn't do the additional repairs. "I called Mr. Rush and told him they hadn't finished it and Mr. Rush said they told him they had finished it."

#### MARCH 27

The FBI has begun an investigation into apparent irregularities in federal grant programs administered by the North Little Rock Community Development Agency, an FBI spokesman said Thursday.

Also Thursday, one contractor, identified as receiving grant payments for work

that recipients said was not done, approached a grant recipient in an effort to have the elderly woman sign an affidavit attesting that the work was done. She refused to sign the affidavit, and continued to maintain that the work was not done. Another recipient said she signed an affidavit after the contractor approached her. But she continued to tell the *Democrat* that the grant work was not done.

#### MARCH 29

City records showed that Grace Worthen of 1010 Parker Street was given a grant in May 1986 for home repairs. The records said that C.W. Haney of Haney Construction Co. in North Little Rock billed the city on May 16, 1986 for \$1,865 for "payment for rehabilitation repair work performed on property located at 1010 Parker St." The invoice showed Ms. Worthen was the homeowner and grant recipient.

City records showed that Bill Rush, the agency's rehabilitation officer, said in a memorandum dated May 19, 1986, that he had inspected the grant work and "verified [it] to be complete." Rush authorized payment to Haney for the work. However, no description of the work performed on the house could be found in city records.

A check was issued for \$1,865 to Haney Construction Co. on May 28, 1986. The invoice and voucher for payment were approved on the same date by Sara Moore, the city finance officer.

However, county records showed that Ms. Worthen sold the property to Wesley H. O'Neel and his wife, Norma Jean, on Oct. 1, 1984, almost two years before the grant was issued.

O'Neel said in an interview Friday that he purchased the residence for use as rental property in October 1984, but he never knew Ms. Worthen. "If that kind of money was spent on that house I'd sure know it," O'Neel said. "I did some painting and had some other work done."

#### MARCH 30

An ongoing inquiry by the *Arkansas Democrat* into a federal grant program administered by the North Little Rock Community Development Agency has cast a shadow on \$79,010 in grant funds supposedly spent by the agency on home repairs for low-income people.

Review during the last five weeks of 61 of the 211 grants revealed discrepancies in 21 of them. The majority of those grants contained discrepancies involving recipients who received more than one grant.

Two of those discrepancies were found in a journal kept by Bill Rush, Community Development Agency rehabilitation officer and the administrator of the housing grant program.

#### APRIL 1

Bill Rush, the administrator of a federally funded grant program for the North Little Rock Community Development Agency, was suspended Tuesday without pay pending the outcome of investigations of the program.

Mayor Terry Hartwick said he suspended Rush on Tuesday morning after some discrepancies in the program were reported to him. "Things have come to light and I needed to take some action," the mayor said.

Rush did not return telephone calls placed to his home Tuesday. A woman who answered the phone at Rush's home said, "I doubt if your call will be returned."

#### APRIL 16

North Little Rock Mayor Terry Hartwick knew in May 1986 of monitoring problems in the federally funded Community Development Agency, but no corrective actions were taken, according to audits by the federal Department of Housing and Urban Development.

The mayor said Thursday he instructed Charley Baxter, the agency director, to correct the deficiencies at that time, but apparently no action was taken. Baxter would not comment Thursday.

Hartwick said Thursday he had

**BILL RUSH**



**EFFIE MAE HOLMAN NEGOTIATES STEPS BUILT AT HER HOME WITH A FEDERALLY FUNDED GRANT FROM THE NORTH LITTLE ROCK COMMUNITY DEVELOPMENT AGENCY; THE STEPS ARE FALLING APART.**



received all the audit information, which cited administration problems and monitoring deficiencies. The mayor said all the information was forwarded to Baxter, who was to implement changes.

"You forward those letters to people in charge; you trust people to do a job," Hartwick said. "If you have to go down there and run it for them, why do you need a director?"

In a letter dated May 2, 1986, John T. Suskie, HUD's Little Rock manager, notified Hartwick the city had not responded sufficiently to reports of deficiencies within the Community Development Agency. Suskie told Hartwick the city needed a more effective monitoring system, better grant and contract administration and establishment of a code of conduct.

HUD auditors notified Hartwick again Aug. 15, 1986 that deficiencies remained during an additional review of the grant program in July 1986.

#### JUNE 14

Bill Rush, the suspended administrator of a federally funded grant program for the North Little Rock Community Development Agency, has resigned, the director of the agency said Saturday.

Director Charley Baxter said Rush, 53, sent him a letter two weeks ago explaining he was resigning effective May 29. Baxter said there was no reason given in the letter and that he has not talked to Rush since he was suspended without pay March 31.

Baxter said Rush has requested that he be paid for the 268 hours of vacation time and 480 hours of accumulated sick day pay he is entitled to under city personnel practices and policies. A check for \$7,699.35 for Rush has been authorized by Baxter with Hartwick's consent, but Baxter said City Clerk Jackie Neil is withholding her signature from the check until the legality of the payment can be researched.

Mrs. Neil said Saturday she had no authority to take any action against the payments to Rush. However, she said Rush was not entitled to any additional pay in her opinion.

"In my opinion, it's a sad day in North Little Rock when an employee who has been suspended without pay for two months and who is under a federal investigation for possible abuse of office is allowed to resign the position in order to be awarded thousands of dollars of taxpayer's money," Mrs. Neil said. □

# Lynching on Wynn's Hill

by Bill Winn  
Columbus Ledger-Enquirer

*Seventy-five years ago, on a sweltering August afternoon, a black teen-ager named T.Z. McElhaney was convicted of involuntary manslaughter in a Columbus, Ga. courtroom in the apparent accidental killing of a white youth. The violence that happened next never appeared in official histories, though it had no small consequence for race relations in the area. A lynching occurred on average once every five weeks in Georgia between 1882 and 1930, ranking it second behind Mississippi in the use of extra-legal deadly force.*

*In 1912, the same year as the McElhaney killing, mob violence forced blacks from Forsyth County, Georgia. In early 1987, as a National March for Brotherhood brought world attention to racism in Forsyth County, the Columbus Ledger-Enquirer printed a week-long series on one of its own lynchings, "Incident at Wynn's Hill." Reporter Bill Winn received death threats as soon as his first article appeared. Each day brought more angry letters and protest calls, as well as some supporters, for a series that delved into the racist past of the town's leading families, including heirs of a present-day superior court judge and the area's leading political figure. What follows is a condensed version of Winn's story.*

*The illustrations by Don Coker are from the original series of articles.*

**COLUMBUS** — It was the year the Titanic went down with the loss of 1,502 lives. It was the year before the Mexican boll weevil entered southeast Georgia. It was the year of the second terrible fire in Columbus on Fifth Avenue. It was the year a teen-age black boy named T.Z. McElhaney was lynched by a mob near the Wynnton switch on the old Belt Line on Wynn's Hill in Columbus.

It was 1912, mid-summer, so hot many merchants on Broadway had awnings up over their storefronts to protect their goods and shade their customers from a blistering sun.

Country folk and townspeople mingled on the sidewalks and sipped vanilla-flavored Coca-Cola and ate ice cream in Eli Wheat's Drug Store near Broadway and Tenth Street. They talked of the coming national election and Woodrow Wilson, a Democrat who had practiced law in Georgia and married a Georgia girl; of cotton prices and the boll weevil eating its way to Georgia; of Ty Cobb, the Georgia Peach who had been briefly suspended for striking a baseball fan in New York; of Jack Johnson, the great black world heavyweight champion reviled by whites and widely admired by blacks; and of the big Fourth of July motorcycle races set for Driving Park at the south end of town.

Out in the countryside around Columbus, especially north along the Whitesville Road and Double Churches

area and in western Harris County where the soil was good, it was laying-by time for the cotton planters. In almost every direction one looked, the waist-high plants stretched across the rolling countryside under the powder-blue Fall Line sky.

Columbus, then a town of about 20,000, had long been a center of cotton activity. It not only had mills for the manufacture of cotton into commercial goods but also gins, vast warehouse space, and docks and facilities for shipping baled cotton by rail and river steamer.

Although the second decade of the twentieth century was comparatively prosperous for the region's farmers, there was still plenty of hard work and hardship in agricultural life. The depression of the 1890s had fallen hardest on marginal small farmers, and many of these were black. Briefly during that terrible decade, it seemed as if the Populist movement under Tom Watson was going to unite Georgia's black and white farmers in a coalition for their mutual economic interests and improve conditions for blacks.

Watson and his followers — mostly farmers and other rural people — advocated programs considered extremely radical then: farmer cooperatives, free and unlimited coinage of silver, low-interest loans to farmers, an eight-hour day for labor, direct election of United States

senators, government ownership of railroads, telephones and telegraphs, abolition of the convict lease system and prohibition of absentee ownership of land.

In the elections of 1892 and 1894, the Populists made serious inroads on Democratic control of the state. But, in 1895, the Democrats in the General Assembly shrewdly adopted a few of the less radical elements of the Populist platform. In the election of 1896, they turned back the Populist threat, both as a result of the reforms they adopted in 1895 and by having successfully branded the Populists as traitors to white supremacy.

Although blacks were registered to vote in significant numbers and technically had at least some civil rights, anti-black sentiment had been growing among whites in Georgia. This stemmed partly from declining economic conditions and partly from residual resentment over Reconstruction. Blacks made convenient scapegoats for many ills, especially the passing of the old agrarian order and the transfer of power to the industrialists and financiers in the towns.

During the early 1900s, most Georgia blacks, who made up about 40 percent of the state's population, were farm laborers and domestics. Many were tenant farmers and sharecroppers eking out livings under the most difficult circumstances.

They were tied to their landlords by tenant contracts or imprisoned on flimsy charges to become part of the state's notorious convict lease system (in 1908, 86 percent of state convicts were blacks).

Some were victims of peonage and were held in a form of debt-slavery by white farmers who, in exchange for paying a misdemeanor fine charged against a black, required him to work off the debt as farm labor.

Black men had been lynched within Columbus in 1896 and 1900, and lynchings were more common in the countryside around the town. The victims of the 1896 and 1900 lynchings had been accused of rape or attempted rape, but in June 1909, a double lynching near Talbotton, northeast of Columbus, underscored the economic realities that underlay some of the worst instances of racial violence recorded in the region.

According to accounts in the *Columbus Enquirer-Sun*, a blind black itinerant preacher named Joseph Hardy had been making "dangerous and incendiary" sermons to black farm workers in the area, urging them not to work for whites. On the evening of June 19, 1909, a group of white men abducted Hardy from the cabin of a black farmer named William Cornaker. Cornaker resisted the men and fatally shot one of them, William Leonard, a widely known young planter. Cornaker turned himself in to authorities, but he was seized by a mob at the Talbotton jail and lynched at midnight, June 22.

Hardy's body was recovered from a Talbot County creek two days later after Cornaker was lynched. A heavy rock had been tied around his neck and he had drowned.

As shocking as the double lynching

in Talbotton was, there was an even more violent mob murder in this area on the night of Jan. 22, 1912. Then a masked and armed mob broke into the Harris County jail in Hamilton and seized four black prisoners, one of them a woman. The prisoners were taken to a grove of trees at the edge of town and hanged. The mob of 20 to 25 men then riddled the bodies with gunfire, using everything from .32-caliber pistols to double-barreled shotguns loaded with buckshot.

According to a contemporary newspaper report, the four blacks were accused of murdering Norman Hadley, a prominent young planter in Harris County and nephew of the county sheriff.

On late Sunday evening, June 30, 1912, news of yet another tragedy from the countryside north of Columbus began to trickle into town. However, it wasn't until people read the Monday *Columbus Ledger* that they began to get a few facts in the case — by almost all accounts available, an accidental shooting: "Cedron Land, the little 12-year-old son of Mr. and Mrs. W.L. Land, living six miles north of Columbus, was killed some time during yesterday afternoon with a single-barreled shotgun, and T.Z. McElhaney, a 14-year-old negro boy is in Muscogee County jail charged with the murder.

"According to reports from the scene of the tragedy, young Land left home yesterday afternoon between one and two o'clock on a mule to carry it to the pasture to let it eat grass for awhile. About night the mule came home without the boy, and his family, thinking he had been thrown by the mule, instigated a search, which was kept up until two o'clock this morning when he was found in an out-of-way place, with the wound in his left eye.

"Coroner J.S. Terry was immediately notified and accompanied by Bailiff John R. Beahn, went to the scene where a coroner's jury was empaneled and an investigation begun. It was seen that the boy had been shot, and tracks were found near the scene leading to the home of the McElheny boy.

"The negro boy denied any knowledge of the shooting whatever, stating that his gun had not been fired. Mr. Beahn examined the shotgun and found that it had recently been fired and then decided to hold the negro.

"On the way to the city, the negro, while being questioned by Bailiff Beahn,

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THE DEPRESSION OF THE 1890s FELL HARDEST ON MARGINAL FARMERS, BLACK AND WHITE, AND MANY OF THEM WERE DRAWN TO THE POPULIST MOVEMENT.



admitted that he was with the Land boy when he was killed, but claims that the killing was accidental, but the officers are holding him on a charge of murder.”

Almost everyone in Columbus knew at least one Land, and many people from town would have driven out old River Road to Double Churches Road to visit the home of Will Land and his three daughters (Land's wife had died the year before). More would have gone out Hamilton Road to Whitesville Road, passing fields of cotton and corn and A.B. Land's cattle, to Mount Moriah Primitive Baptist Church at Double Churches for the burial service.

Cedron Cleophus Land (“Cleo” to family and friends) was laid to rest beside his mother, Lula Folk Land, beneath white cedars and hickories and oaks and sweetgums, densely green in their summer foliage, in the little cemetery behind the church.

People at the funeral would have learned a little more about the shooting, perhaps. Cleo's body, covered with leaves and brush, had been found by lantern light in a shallow ditch not far from the McElhaney boy's cabin.

The *Enquirer-Sun*, in competition with the *Ledger*, published its version of the event on Tuesday morning, July 2. Both newspapers misspelled the black boy's name, offering versions ranging from McElheny to McElhenney, and added to the confusion by saying he had an alias, “T.Z. Cotton.” Apparently, Teasy had been born T.Z. Cotton, but he lived with his stepfather, George McElhaney, which appears to be the correct spelling.

Not surprisingly, given the racial tenor of the time, rumors of a pending lynching reached Muscogee County Sheriff Jesse Beard soon after the funeral. So concerned were Columbus authorities over the possibility of a recurrence of mob violence that Judge W.H. McCrory, in charge of Teasy McElhaney's pre-trial hearing that Friday, went to the jail to interview the boy rather than risk having him brought to the courthouse. Extra deputies guarded Teasy throughout the weekend.

McCrory scheduled Teasy's trial for the August term of Muscogee County Superior Court. Despite the threats against the prisoner's life reported by Beard, the rest of July and part of August passed without incident. It was learned later, however, that at some time before McElhaney's trial began, W.L. Land had visited Beard and told him that, should

the verdict be less than murder, there might be trouble.

On Aug. 5, 1912, Judge S. Price Gilbert, one of the more prominent jurists in Columbus history, opened the August term of Muscogee County Superior Court.

The August grand jury was called into session and its members lost no time in returning a true bill charging “T.Z. McElhenney,” alias “T.Z. Cotton,” with murder in Cleo's death.

The trial began shortly after 9 a.m. on Tuesday, Aug. 13, in Gilbert's second-story courtroom in the 1896 courthouse.

The trial did not last long.

Teasy McElhaney, barefoot and dressed in shorts and a cheap blue shirt, sat with his attorneys to the left of the judge. The courtroom, which would have been almost unbearably hot in mid-August, even in the morning, was packed with spectators, mostly relatives or friends of the Land boy's family. About 12 women, including Cleo Land's three sisters, were there.

There were no signs of unruly behavior in the crowd as the trial began, and no indication of the trouble to come. Many of the women must have waved fans, and the men would have mopped at their sun-burned brows with the colorful bandannas favored by country people.

W.L. Land, a large, heavy man, took the stand in the morning and told of discovering his son's body, and of the aftermath. The shotgun used in the killing and the bloody rags and shirt found in the

McElhaney boy's cabin were entered into evidence. Throughout the testimony, newspaper reporters covering the trial said that the McElhaney boy did not take his eyes off those testifying or off the lawyers when they were addressing the court.

He had given an unsworn statement in which he admitted shooting Cleo Land, but he said it was accidental. He said that he and the Land boy were involved in a friendly scuffle over the gun, which discharged and killed Cleo.

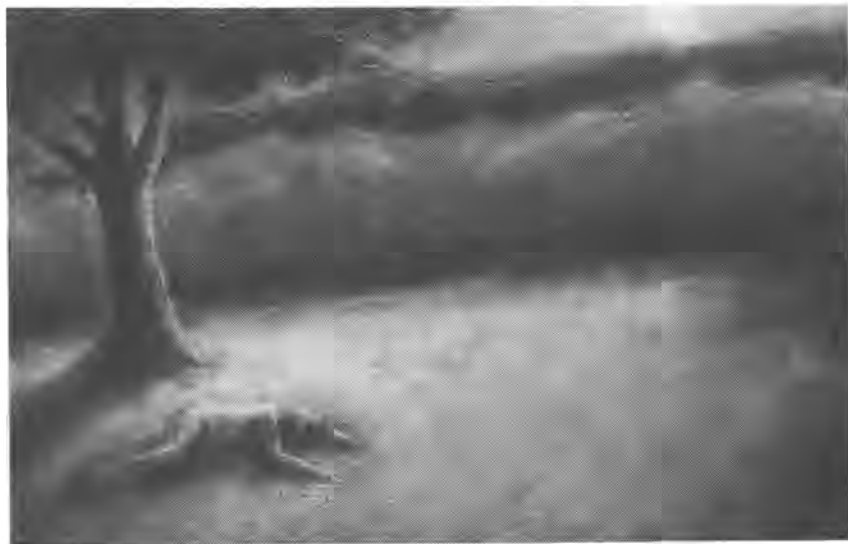
“I am just a little black nigger,” the defendant told the court in a statement that would be widely quoted later in the state's newspapers, “and I knew that if I went to Mr. Land and told him I had killed his boy, he would kill me. I was afraid to tell him and so hid the body.”

The testimony and evidence introduction were finished before lunch, and after adjourning for the midday meal, the court heard arguments. Defense attorney Hatcher and Worsley spoke briefly and to the point, arguing that the shooting was, at worst, involuntary manslaughter, an accident perpetrated by children at play. Solicitor George Palmer gave a long and impassioned argument for the state, claiming that Cleo Land was murdered.

The jury got the case at 3:45 that afternoon and retired to deliberate. At five o'clock, the 12 men returned with their verdict. Jury foreman William Beach, widely known in Columbus as the owner of William Beach Hardware on Broad, read the verdict to the hushed courtroom:

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THE MULE CAME HOME WITHOUT THE BOY, AND HIS FAMILY, THINKING HE HAD BEEN THROWN BY THE ANIMAL, INSTIGATED A SEARCH WHICH THEY KEPT UP UNTIL 2 A.M.



"We the jury find the defendant guilty of involuntary manslaughter in the commission of an unlawful act."

There was no emotional outburst at the verdict, although several persons in the audience exchanged looks of clear displeasure. Nor was there any demonstration when Gilbert pronounced sentence: three years hard labor in the state penitentiary, the maximum sentence allowable under law.

If the verdict surprised many in the crowd — clearly, the jury decided the shooting was an accident — the sentence stunned them. In the atmosphere that prevailed in the South then, a three-year sentence for a black person who shot and killed a white person — child or no child, accident or not — was unheard of.

Black men were lynched for such things as allegedly making insulting remarks to white women, for refusing to dance when ordered to by a white man, for being suspected of crimes, for knowing other blacks who were suspected of crimes, for stealing mules, or for no reason.

Still, the crowd gave no outward sign of displeasure while Gilbert and Palmer and the other lawyers left the courtroom. Among the spectators, the women were allowed to leave the courtroom first, perhaps by design, and then they were slowly followed by the crowd out into the courthouse rotunda.

Bailiffs grasped Teasy McElhane, one on each side, and moved toward the door. An *Enquirer-Sun* reporter, who was there, tells what happened next in a terrible and tragic episode of violence that has long been forgotten — or suppressed.

"The trouble began when Bailiffs R.L. Willis and J.T. Darby started to take the negro from the courtroom into the sheriff's office. Gathered in the aisles were numbers of relatives and friends of the dead boy, perhaps twenty or twenty-five in all. Suddenly the men closed around the officers and demanded the prisoner. Neither of the bailiffs were armed.

"One man struck Willis in the face. Another dealt him a heavy blow and he turned the negro loose to defend himself. A strenuous fisticuff followed. The negro was torn from Darby and a powerful man hurled the officer bodily several feet into the courthouse rotunda where the struggle had shifted by that time. Deputy sheriff Gibson came running in and was temporarily disabled by being kicked in

the stomach. Sheriff Beard, who was in his private office, heard the commotion and came running out. A man aimed a heavy blow at him with a stick but the sheriff dodged it.

"By this time the men with the negro had gotten downstairs and hurried out the front door, leaving a group of men to guard it and keep the officers from following them. A free-for-all fistfight followed but no one was seriously injured. Several pistols had been drawn during the early struggles with the officers but none of them was fired."

In the midst of the melee, McElhane realized what was happening and, according to an eyewitness, began to scream for protection.

The mob rushed outside with the boy in the middle and ran to the corner of Tenth Street and Second Avenue. An *Enquirer-Sun* reporter picks up the story:

"A streetcar, No. 18, L.F. Johnston, motorman, and J.W. Wilson, conductor, was going east on Tenth Street. Just as it reached the west side of Second Avenue, a pistol is said to have been pointed at the motorman and he was ordered to stop the car, which he did, and several passengers who were in the car at the time, got off. One of the men with the negro is said to have held a pistol on the motorman while another did the same with the conductor. The car was not allowed to stop again until it reached the city limits (then Tenth Avenue), where it stopped and all the passengers were ordered off."

The streetcar "had reached the stretch of woods," the paper reported, "and just beyond the prisoner was taken off, pleading and screaming for mercy. The car was ordered to move on. Then several of the men in the crowd pulled out pistols, and the negro was . . . riddled with bullets. He uttered a cry as the first shots hit him, then fell dead."

The spot where McElhane met death by the hands of the mob was the Wynnton switch on the old Belt Line street car track, just east of where Bradley Drive now fronts Bradley Memorial Library.

"None of the members of the mob were masked," reported the *Enquirer-Sun*. "It is understood that the officers recognized several of those in the crowd."

According to the *Ledger*, the members of the mob dispersed quickly after the shooting. "No one has been found who would state whether they knew any of the men engaged in the killing, or at least, they had refused to state names."

McElhane lay face down in a shallow ditch beside the Wynnton switch until almost midnight Tuesday. Throngs of the curious came to gawk at the bloody body. Many of them rode the trolley car to the Wynnton switch and got out to rubberneck. More than a few walked, some all the way from downtown.

The boy's body was removed by Alex Toles, a black undertaker, who prepared it for burial. The next day, McElhane was buried in a pauper's lot in Porterdale Cemetery.

Reaction among white-people in Columbus to the murder of the black child seems to have ranged from curiosity and indifference to genuine outrage. The Lands were, as previously stated, a widely known and prominent family, and many people in the city doubtless felt an overwhelming sympathy for them at the loss of Cleo. But just as many white residents seemed to have been angered at the manner of Teasy McElhane's death which went beyond the point typical for lynchings of black people at the time.

"Opinions expressed by the people generally yesterday were to the effect that the grand jury should make a thorough investigation," the *Enquirer-Sun* reported two days after the lynching. "If possible, indictments should be returned against everyone who was connected with the deplorable affair."

"The cold-blooded and coolly-planned lynching at Columbus on Tuesday calls for prompt indictment and punishment of those guilty of the crime," said the *Savannah Morning News*. "It is stated that the grand jury had begun an investigation of the lynching and that some of those who took part in it are known. The wonder is that all are not known, since the negro boy who was lynched was in the custody of the officers of the court and the boy and the officers were in the courtroom when the lynchings took the boy from the officers . . . There has never been in the state a bolder instance of mob law."

Among the citizens of Columbus who appeared most offended by the murder of McElhane was Judge Stirling Price Gilbert, perhaps the most distinguished jurist ever to reside in Columbus. The judge learned of McElhane's lynching while walking along Broadway on his way home after the trial (the Gilbert home is now the offices of the Historic Columbus Foundation), and he expressed surprise and outrage.

The public quickly learned that he

was planning a special charge to the grand jury when it reconvened on Thursday morning, Aug. 15, and tremendous interest was expressed in what the chief judge of the Chattahoochee Circuit Court would have to say. Gilbert was up for reelection in the Chattahoochee District Superior Court that month. So was Solicitor George Palmer. Although Gilbert might have felt personal outrage at the lynching of the McElhaney boy and the mob action, many of his rural constituents would be sympathetic to the mob.

As for Sheriff Jesse Beard, he had already made his sentiments in the matter clear to an *Enquirer-Sun* reporter who interviewed him the day of the lynching. The *Enquirer-Sun* said the sheriff, a Harris County native with roots north of Columbus in the farming country, expressed his opinion that "he had rather feared trouble in the event the negro was not convicted of murder, but that, as a matter of fact, under the evidence, [he] expected that he would be convicted of that charge and given the extreme penalty."

The lynching, it should be remembered, took place just over the city limits in the county where Beard and his department had exclusive jurisdiction.

Few judges in Columbus history have had a more difficult task than that faced by Muscogee County Superior Court Judge Price Gilbert on Thursday morning, Aug. 15, 1912, when he entered the courtroom on the second floor of the courthouse.

Among the August grand jurors were A.B. "Brewster" Land, cousin of W.L. Land, father of the dead white child, and R.E.L. "Ed" Land, brother to W.L. Land and thus uncle of Cedron "Cleo" Land. Both were suspected of having participated in the mob violence that led to the abduction and murder of the black boy, Teasy McElhaney.

Among the other distinguished members of the jury were Frank C. Reich, 50, owner of the now-defunct Reich Dry Goods Co., whose other financial interests included banking and who was instrumental in the development of the city's waterworks system; A.O. Blackmar Jr., 28, Columbus insurance and real estate broker, who would later help the city get Fort Benning; Rhodes Browne, 47, mayor of Columbus from 1908 to 1911 and wealthy businessman with interests in banking and textiles; John C. Martin, 41, owner of Martin Furniture Co.; and William H. Harvey, 45, princi-

pal owner of W.T. Harvey Lumber Co.

Each member of the 22-man jury — including the two Lands — would look to Gilbert for guidance and direction. Not only would they have been aware of rumors about participation of fellow jurors Brewster Land and Ed Land in the previous day's violence, but each juror was a white man when it was almost unheard of for a panel of white men to judge other white men in the lynching of a black.

Gilbert would have been acutely aware of every grand juror's sensitivity to the racial issue, and he must have thought long and hard over how he was going to address such a delicate topic.

"Since the convening of the last session of the grand jury," Judge Gilbert began, "a most momentous event has occurred; one that brings in question the power of the government itself. The question that now arises is not the guilt or innocence of any one person, but whether the American is strong enough and patriotic enough to govern himself.

"Some six weeks ago, a most splendid white boy was killed in the upper portion of the county. This tragedy brought forth the sympathy of every man within the sound of my voice, and every white man who heard of the event. That sympathy has continued with the relatives and friends of that precious boy. In due time, a person was accused of the crime, and in due time tried, according to the rules of law. . . .

"At the termination of this trial, it is now commonly known that the defen-

dant, who was convicted and sentenced to the extreme penalty that the law provided under the verdict, was killed by persons who desired to take the law in their own hands. No occasion justifies that, none whatever, because it is the law that is assassinated.

"Of what use is it to empanel jurors if they are to understand that if their verdicts are not satisfactory to some person or persons, that the verdict will not be abided by, but that the persons will take the law in their own hands? What could be the result but a miserable farce? What juror desires to sit in the temple of justice if that is to be the result?

"I am fully aware that this investigation which I shall ask you to undertake will be seized upon by some to turn into a partisan contention that it is for the protection of the negro, but those who say so are either fired by passion or are willfully misstating a fact. The negro is an instance of the circumstance, and he is of no more importance in this matter than the negro who is made to plow the field that made the cotton that is in the shirt upon your back.

"The question is whether any body of men may take a man from the confines of the courthouse and visit a death sentence upon him when a jury of their peers have said that such was not justice and right. . . . I ask you, gentlemen, to leave no stone unturned. You shall have every particle of power at the state's command and the people of the community are back of you. The law is no respecter of persons.

"No man is too small to be below the

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**BAILIFFS GRASPED TEASY McELHANEY, ONE ON EACH SIDE, AND MOVED TOWARD THE DOOR. WHAT HAPPENED NEXT HAS LONG BEEN FORGOTTEN — OR SUPPRESSED.**



law, none too great to be above it.”

The jury retired immediately to the grand jury room and began deliberating. However, it adjourned at one o'clock without acting on the lynching. It was reported that the lynching would be taken up when the jury reconvened at 10 a.m. the next day, Friday, Aug. 16. But on Friday, the investigation was put off until Aug. 23, probably to allow Palmer and Beard time to round up witnesses.

Although the lynching of two black men on Broadway in 1896 had shocked the community, few townspeople had spoken out then and nothing was done to the lynchers. Nor had there been any outcry when a 19-year-old black farmer was drowned in the Chattahoochee by lynchers in 1900. But the lynching of Teasy McElhaneey was too much for many townspeople to stomach in 1912.

Some time during the week after the lynching of the McElhaneey boy, Columbus clubwomen and many of the city's religious leaders began to circulate petitions, cards actually, for the signatures of those who wished to speak out against the lynching. On Aug. 21, the *Enquirer-Sun* published the petitions, including the entire text of each and the names of all signers. Because so much negative has been written about the silence of the people of the South on the subject of lynching, it is worth publishing those petitions and names again. [The two letters, with the names of their 101 signers, followed in the original article.]

On Aug. 23, the grand jury reconvened. Minutes of the Superior Court indicate that A.B. Land and R.E.L. Land were excused from the jury that day and again when the jury met on the 30th. Grand jury proceedings were kept in strictest secret, but it was known that many witnesses were going before the jury. The town buzzed with excitement and curiosity all the next week in anticipation of the jury's findings. Shortly after noon on Friday, Aug. 30, word spread throughout Columbus and the county that the investigation was at an end.

It was.

The grand jury returned three true bills in the lynching of Teasy McElhaneey. Indicted were A.B. Land, R.E.L. Land and Lee Lynn, a millworker. Each was charged with murder.

On Sept. 5, the grand jury met again. Once more the Lands were excused — it is not clear if they showed up — and returned four indictments against W.L. Land, the dead white boy's father. The charges included carrying a concealed pistol — and murder.

At the same time the grand jury delivered its indictments against Will Land, it also released its general presentments, recommending that they be printed in the *Ledger* and the *Enquirer-Sun*. It was sobering reading for those Columbus citizens who thought a new era in racial justice was at hand:

“In entering upon this investigation, we confidently expected the fullest co-

operation of the peace officers of the county, especially those who were in charge of the prisoner whose life was taken, but we regret that on account of the excitement of the occasion, and the unusual shortness of memory of the guards, we were able to get only very meager testimony as to the identity of the individuals composing the mob.

“We regret very much that the sheriff did not see fit to take personal charge of his prisoner, and have himself and his assistants properly armed. We would recommend that in [the] future that the sheriff, in such serious cases, provide guards who can be trusted to do their duty, and have them properly armed.

“We are led to believe that Deputy Sheriff Gibson, in whose charge the prisoner was left, had good reason to believe that an attack was to be made, and was guilty of gross negligence in not taking precaution and during the struggle that ensued. He seemed to look on the loss of his prisoner with indifference.

“Mr. J.T. Darby, court bailiff, who actually had hold of the prisoner, seemed to have released him without any great resistance. We also find that Bailiff Beahn seemed indifferent to his duty. Bailiff Willis, from what we can learn, was the only officer with the prisoner who put up any determined resistance to the mob. . . .

“We must also criticize the sheriff for not making more of an effort to get evidence against the guilty parties immediately after the crime was committed.

“We regret that it is our duty to recommend to the sheriff that he provide a deputy in the place of Mr. Gibson, who realizes more fully the importance of his duty as an officer. We also recommend that Mr. Darby and Mr. Beahn be relieved of further duty as court bailiffs.

“We deplore the meager results of our investigations, but feel that we have accomplished all that we could do with the means at our command and the time at our disposal, but we know that there were more participants in this disgraceful affair, and we trust that the future will bring to light evidence in some way that will lead to the detection of the guilty parties.”

After the presentments were delivered, Sheriff Beard refused comment, except to agree that he and his men had been severely criticized. He promised to make a statement later. If he did, it is not recorded.

Nor did the sheriff or any of his deputies arrest the four men indicted for the

**JUDGE PRICE GILBERT FACED A GRAND JURY THAT INCLUDED A BROTHER AND A COUSIN OF THE DEAD WHITE CHILD'S FATHER. BOTH MEN WERE SUSPECTED OF HAVING PARTICIPATED IN THE MOB VIOLENCE THAT RESULTED IN McELHANEY'S DEATH. "NO MAN IS TOO SMALL TO BE BELOW THE LAW," THE JUDGE TOLD THE JURORS, "AND NONE TOO GREAT TO BE ABOVE IT."**





murder of McElhaney. During the next 30 days, Beard claimed that his deputies had made repeated trips to the country in search of the Lands, but had been unable to locate them. Lee Lynn was not arrested either. Scuttlebutt in Columbus was that the four men would surrender to Beard at the appropriate time. The most likely appropriate time was early November, after the cotton-picking peak and shortly before the next term of Superior Court, when their trial was scheduled. Meanwhile, it was said that the Lands had gone on an extended trip, possibly to Texas.

With concern over the cotton crop, the press of daily affairs and preparing for winter (a serious business before people had gas or electric furnaces), by November many residents of Columbus may have all but forgotten the lynching of Teasy McElhaney and the coming trial of the four men accused of his murder. If so, they were abruptly reminded on Tuesday, Nov. 5, when the Lands and Lee Lynn drove up to courthouse square in an automobile. Hezekiah "Hez" Land went inside the courthouse to fetch the sheriff, and when Beard came out, the men surrendered. Beard drove them to the jail.

A.B. Land was the group's spokesman:

"We said that when the court convened, we would be here and here we are. We are ready to stand trial and know that we will be able to prove, beyond a doubt, that we are innocent. We never did run, but we stayed hid," he said.

The trial was set for Wednesday, Nov. 20, in the same courtroom where Teasy McElhaney had been tried three months before. Solicitor Palmer would prosecute; Judge Gilbert would preside.

At shortly after 9:30 on the morning of Wednesday, Nov. 20, 1912, jury selection in the murder trial of Lee Lynn and A.B., R.E.L. and W.L. Land began in the Muscogee County courthouse. It was a trial the likes of which had never been staged in the city.

Not only were white men going on trial for the lynching of a black — so far as is known an unprecedented occurrence in Columbus — the three Lands were all widely known in the community and had numerous friends here.

Of 103 people examined that Wednesday, 65 were disqualified on account of kinship to the defendants or for bias, partiality or fixed opinions. Seven

were selected for the jury. On Thursday, the entire day was consumed in selecting four out of 113 veniremen examined.

The trial began on Friday at 9:45 with Palmer's opening statement. It was apparent at once from the solicitor's opening remarks that the state would have a weak case, one that would hinge on Palmer's ability to prove a charge of conspiracy to commit murder. Under the best of circumstances, with cooperative and friendly witnesses, lawyers regard conspiracy difficult to prove. With uncooperative witnesses, it is said to be all but impossible. Because the only finding the jury could return in the case was guilty or not guilty of murder, which Palmer must first show by proving a conspiracy existed to commit murder, the state faced quite a challenge. It is doubtful that, at the time, any white man had ever been convicted of first degree murder in the death of a black man in Columbus.

"I expect to show by evidence and circumstances that the defendants on trial now participated in the taking of the prisoner from the courthouse, and that by virtue of conspiracy, are guilty of murder," said Palmer.

"I may not show who actually fired the shots, but I will show who started the trouble, and that under the law of the state they are guilty. I may not show that a single one of the defendants were present at the killing, but I will show that there was a conspiracy entered into by all."

What little help he got from Sheriff Jesse Beard, his deputies, and the court bailiffs is illustrated by the testimony of Deputy C.A. Gibson:

"I know the defendants well. I saw all of them at the trial off and on all day," Gibson testified.

"I was at the door when the deputies went out of the room, and I turned with them. The first thing I knew I was given a shove against the wall and someone kicked me in the stomach. I never did see the negro after that. The crowd had taken him out when I reached the head of the stairs."

Gibson said he then followed the mob downstairs and out of the building. "I saw a crowd of men jerk him on a street car, but I didn't recognize any one that was in the crowd. I did see R.E.L. Land and A.B. Land in the courthouse. . . .

"The doors were blocked and it was hard for people to get out," Gibson continued. "I didn't see any of the defendants do anything."

Bailiff J.T. Darby, who had had

physical charge of McElhaney at his trial added some interesting information:

"When I got to the door, I saw a crowd in the lobby. We went around the post with our prisoner and we was about 20 feet from the door when the trouble started.

"Someone yelled. I think it was a signal. Then the rush was made. Someone pushed me. I fell over against the wall. I had the prisoner by the belt up to this time, but the push loosened my hold, and I grabbed the negro by the slack of the trousers.

"When I came out of the courtroom," Darby continued, "I saw W.L. Land change his pistol from his inside pocket to another pocket. I didn't think anything of this. After I was knocked down, I didn't see the prisoner again.

"When I got downstairs, I saw Lee Butler, A.B. Land and Will Brittain. A.B. Land stopped Beahn and told him that if he went out he would get hurt, that the men out there were armed."

The last witness for the state, Bailiff Mason Wilder, added only one thing to the previous testimony: "I was in the court when the jury brought in the verdict against the negro. Gibson had charge in the courtroom. Darby had hold of the negro. When Gibson signaled to bring the negro out, I joined the officers with him. I heard someone say: 'Look out for the music!'"

The state rested its case at 12:50. After a break for lunch, defense attorney T.T. Miller declared, "We do not think that this case calls for more than the statement of the defendants. We expect to show that these men have always been law-abiding men and that they have grown up with the county.

"We expect to show that these men did not know of the supposed lynching, that they had no part in it and that they tried to stop it.

"We expect to show further that it was [out of] kindly regard for the officers that they stopped them from going out of the building, and not to help the mob.

"All of them are above the crime for which they are before you charged with. I will now let them make their statements."

The defense rested its case at 3:00 p.m. The closing arguments for the state and defense consumed the remainder of the day and part of Saturday morning.

The jury went out at about 11 a.m. It returned in 29 minutes. Jury foreman S.W. Dudley read the verdict, which had been arrived at without discussion on one ballot:

"We, the jury, find the defendants not guilty."

There was no wild celebration by the accused: the verdict had been anticipated. This time, Will Land spoke for the group.

"I knew they would turn us loose. I want you to thank the people for us for their kind words said about us in the trial. We are now going home with our families."

If there was any public indignation at the not guilty verdicts in the murder trial of the Lands and Lynn in the death of Teasy McElhanev, it is not recorded. Neither the *Columbus Enquirer-Sun* nor the *Columbus Ledger* followed with an editorial. And so far as is known, there has scarcely been a public utterance about the trial or the lynching of Teasy McElhanev until now.

As a result, the lynching of the black child passed out of Columbus' history, except in the memories of those families whose members took part in it and, of course, in the minds and hearts of the black people of the town, many of whom recall the story as told to them by their parents or grandparents, or perhaps by an aged aunt or uncle.

Reading back through the old accounts of the case, and talking with those few people still alive who remember it from their childhood, it is difficult to tell how much Sheriff Jesse Beard, his deputies and others knew about the McElhanev lynching but refused to divulge.

Nor is it known how well informed the members of the jury were as to the history

of such events in the city's past or the role any of the defendants in the McElhanev case might have played in those events. Some of the jurors, several of whom were middle-aged or older, might have recalled a lynching that took place near Clapp's Factory in 1900.

It happened in June, the lynching month in Columbus. The victim was Simon Adams, 19, a black farm laborer who had worked for Judge E.H. Almond in northern Muscogee County for three years. The Almond family was widely known in Columbus. Almond was, in reality, a farmer who was a justice of the peace in the Nances District. His 17-year-old daughter, Jessie, attended St. Elmo Institute in town, and there was a 10-year-old daughter and a teen-age son as well.

In the first hour of Saturday, June 9, Adams was discovered trying to slip through a window into the bedroom of Almond's daughters. Jessie Almond was awakened by the sound of Adams' foot striking the floor by the window. She sent up an alarm. The girls fled from the room and Almond discovered Adams hiding in a closet in the girls' bedroom. He was bound, at gunpoint, and a heavy iron chain was secured around his neck. At some time after first light, he was started along Hamilton Road toward Columbus "in the hands of a trustworthy keeper," not named but presumably Almond's teenage son.

Adams was turned over to a Muscogee County bailiff for escort to town. The *Enquirer-Sun's* reporter tracked down the bailiff and asked him what happened.

"I went there and found the negro with two or three persons about him," the bailiff said. "A boy seemed to have him in charge. The boy asked me if I were an officer, and I told him that I was, and the negro was turned over to me. I got in the wagon and began driving it through the woods toward the North Highlands pavilion."

At this point the reporter interrupted and asked the bailiff why he did not go straight down River Road to town instead of cutting through the woods. The bailiff said it was his idea to go around by North Highlands so as not to attract attention and slip his prisoner safely into the city. The reporter noted that the road the bailiff had chosen would have led only to the vicinity of the pavilion and stopped.

The bailiff said that, at that point, he was overtaken by a crowd of men who drew Winchester rifles on him and forced him to surrender his prisoner.

The *Sun* reporter asked him how many men had been in the lynching party.

"I don't know," the bailiff replied, grinning. "At that moment, every man looked like three."

Asked if he knew any of the men, the bailiff said:

"I didn't recognize anybody. I was more concerned with the guns than with the men behind them."

It is not known if Adam's body was ever found, or if there was any effort on the part of local authorities to pursue the case. The only eyewitness who would talk was a black woman who had seen a group of white men early that morning at the point where Clapp's Creek empties into the Chattahoochee. She saw the men stop and take off their coats. Something in their manner frightened her and she ran. She did not see Adams. Later that day, someone reported having heard 15 to 20 gunshots from the direction of the North Highland woods. That afternoon, about 20 empty shotgun, rifle and pistol shells were found on an island near Clapp's Factory.

There is much about the death of Simon Adams that we may never know; however, by a curious stroke of fortune — it is preserved on a fading and rarely consulted strip of microfilm in the morgue of the *Ledger-Enquirer* — we know the name of the bailiff who had charge of the prisoner in the North Highland woods that brilliantly clear Saturday morning, June 9, 1900.

It was A.B. Land. □

"THE FIRST THING I KNEW, SOMEONE KICKED ME IN THE STOMACH," SAID DEPUTY SHERIFF C.A. GIBSON. "I DIDN'T SEE ANY OF THE DEFENDANTS DO ANYTHING."



# Kids Tangled in State Custody

## HONORABLE MENTION

by Michele Day  
*Kentucky Post*

From August 9 to August 16, 1986, Kentucky Post reporter Michele Day probed the workings of the state's juvenile justice system in a series called "Kids on Trial." With an even hand and sensitive ear, Day focused on the inadequacy of detention and treatment programs, workable family-based approaches, and the children who become wards of society.

COVINGTON — Kentucky's juvenile justice system is as tangled and troubled as the lives of the children in its care.

County juvenile officials are struggling to handle alarming increases in juvenile arrests and reports of abuse and neglect.

The court system is ineffective and detention facilities are so inadequate the state may lose \$600,000 in federal funds next year.

Community programs for abused and troubled children are lacking and the state is short on beds, treatment facilities, social workers, and professional staff. Federal and state cuts in manpower and services have left the Cabinet for Human Resources overburdened, underfunded, and under fire.

As a result, some children "go from being victims of their families or communities to being victims of the state," said David Richart, executive director of Kentucky Youth Advocates, a non-profit group that aims at making government accountable on children's issues.

Abused and neglected children often must wait to get into treatment programs and foster homes. Dangerous and destructive delinquents must wait in line for spots in camps and locked facilities.

Many get into additional trouble or lost in the judicial tangle, juvenile officials say.

For example, a 15-year-old Covington boy was picked up for breaking and entering last month while he was awaiting a bed in a juvenile camp. A five-month-old Covington girl suffered two broken ribs, retinal hemorrhages and head injuries while social workers inves-

tigated complaints of abuse in the home.

Social workers in northern Kentucky carry 35 or 40 cases — nearly double the recommended average. The burnout rate among juvenile officials is high, morale low. And kids in treatment facilities don't get adequate supervision or treatment, critics say.

Three special commissions since 1972 have found abuses in the state's social services programs. A 1985 task force concluded: "The system for protecting children from abuse and neglect is so inadequate that the state fears for the safety of some in its care."

The state moved yesterday to dismiss an employee charged with sexual abuse of residents at the Northern Kentucky Treatment Center in Kenton County. Charges of child abuse and mismanagement surfaced at the facility for emotionally disturbed children last month in a letter written by unnamed past and present employees.

The rise in juvenile crime and child abuse is dumping more kids into the system at a time when the state is trying to recover from massive manpower and money setbacks.

The number of child abuse and neglect reports has doubled in Kentucky in the past five years — climbing from 15,668 in 1980 to 32,898 in 1984.

Juvenile arrests in the state jumped from 17,536 in 1984 to 17,933 in 1985. In Covington, arrests increased by nearly 30 percent.

During the same time period, the state's social services department lost \$18 million in federal and state money. The cuts eliminated 141 social workers and 152 other employees.

"The history is, when funding gets into trouble the soft services go," said Anna Grace Day, social services' commissioner. "We're considered a soft service."

Crisis intervention and overcrowding result in routing — moving kids from program to program. A 1983 commission noted that some of the programs actually create angry young adults.

"I feel like every place I've been has caused me more problems," said a 17-

year-old boy who has been in state institutions since he was 11.

Overcrowding pushes some children into jails. The state Justice Cabinet estimates 3,250 children spent time in jails last year even though the state discourages putting adults and juveniles together.

Sixty-six of the 100 county jails in the state do not have a juvenile section separated from the adult section. The state has only five juvenile detention facilities.

"The jails are old and antiquated," said Coleman Gilbert of the Justice Cabinet. "That doesn't lend itself to separating the juveniles and when it's done, they're usually segregated."

Segregation increases the likelihood of suicide, according to a study at the University of Illinois. Children in adult jails are eight times as likely to commit suicide as children kept in juvenile facilities.

Even juvenile detention centers don't eliminate the risk. A 16-year-old boy committed suicide in a juvenile section of the Kenton County Jail last year.

The state has abandoned treatment methods such as grouping, which led to the death of a resident at Lincoln Village Treatment center in Elizabethtown in

1983. Grouping was an approach in which peers confronted a resident who misbehaved, held him down and shouted at him.

The social services department also has made progress in implementing a 1983 commission recommendation to decrease the use of institutions in favor of more community-based programs.

"There's a clear goal and commitment to treatment," Commissioner Day said.

The juvenile code adopted by the General Assembly in March provides funding for new treatment programs and a network of court workers to relieve judges of minor cases and provide early intervention. State Senator Mike Moloney (D-Lexington) estimates the program will cut the number of juvenile cases before judges in half.

The 1985 special session of the General Assembly set aside \$8.3 million for a family-based services program. The program will provide salaries for more than 200 new employees, emergency funds for families when needed, put aides into the home to teach parenting skills, give social workers more time for counseling, and refer families to multi-service community-sponsored programs.

The number of northern Kentucky

community-based programs, which boast a 75 percent success rate in keeping kids out of juvenile court, is growing even though community support is minimal.

"When you have a juvenile in trouble with the law, most of the time he is part of a dysfunctional family," Commissioner Day said. "We'll be working much more intensely with that family. We hope to get involved with early intervention — people coming in as abused and neglected children."

But the program still has a long way to go.

"The one big thing we're lacking is any kind of aftercare," said Ray Frazier, director of the Central Kentucky Treatment Center in Louisville.

"It's particularly a problem for our boys who turn 18 years of age. We do not have the resources to ease them into the community. We end up putting kids on the street."

Mrs. Day has pledged to address what Richart calls the Achilles' heel of the system — self-monitoring of treatment facilities.

"The principle of confidentiality, which appropriately protects the identity of children, also protects employee actions and shrouds juvenile programs and

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**CHUCK SCHOULTHEIS BECAME A HOMELESS CHILD WHEN CARING NEIGHBORS HELPED HIM ESCAPE HIS TROUBLED HOME LIFE — ONLY TO BE PLACED IN A SERIES OF TEMPORARY SHELTERS.**



staff from closer inspection and scrutiny," he said in a statement last week.

"There simply is no means by which children, their parents, employees or other interested people can complain about services provided to children in state-operated facilities, and feel that their complaint will be investigated impartially and resolved."

After sending a special team to look into the complaints at the Kenton County facility, Mrs. Day announced the team would investigate 13 other treatment centers. She also promised to put an independent monitoring system into operation by the end of the year.

Richart doesn't expect pockets of abuse in the residential facilities to disappear immediately, however. "I've been at this for 17 years," he said. "Improvement doesn't come overnight. But over the years, I have seen increments of improvement."

The current increment won't resolve all the problems, said Bill Verbeten, state director of residential services. "There are always going to be kids that come back again and again. There are kids that we can't help.

"That's a hard pill to swallow, but it's true."

## The Homeless Child

*poem by Chuck Schoultheis*

Have you ever seen a homeless child  
Lost within the sea  
Of turbulence and confusion  
And of tranquility?

Have you ever seen one  
With his heart broken wide  
With his thoughts confused  
And his emotions twisted inside?

Poor, lost and misguided  
Knowing not where to turn  
Living in a nightmare  
Feeling his anger burn.

But soon there is hope  
As the sun begins to shine  
Love is brought to misery  
And calmness to the mind.

## Spending For Juvenile Programs\*

Programs	1981	1983	1985	Change '81-85
Alternatives to Jail	\$ 1,018,000	\$ 683,000	\$ 674,400	-34%
Day Treatment	3,741,805	2,090,014	1,755,044	-53%
Group Home Service	3,298,682	2,636,939	3,263,288	-11%
Juvenile Services in the Community	4,345,803	6,730,347	5,439,318	+25%
Residential Treatment Institutions	11,111,675	12,457,672	8,993,082	-19%
<b>Totals</b>	<b>23,515,965</b>	<b>24,597,972</b>	<b>20,125,132</b>	<b>-14%</b>

\* Total federal and state spending per year. Spending levels for 1985 are approximations.  
Source: Kentucky Youth Advocates.

## After Seven-Year Shuffle, Survival Comes First

by Michele Day,  
*Kentucky Post*

Rob's seven-year odyssey in the state juvenile services system is over.

He journeyed through more than 20 foster homes, group homes, and juvenile camps before the state turned him loose on his eighteenth birthday this month. But Rob isn't sure he emerged from "treatment" any different from the parentless kid arrested for stealing at 11.

"I'd probably steal if the right situation were to arrive . . . if I was hungry and didn't have money," he says between quick draws on a cigarette. "I won't ask nobody for nothing. I've got my pride. I guess my pride is more important to me than staying out of here."

Counseling by people who care was supposed to make a good and honest man of Rob, a slender youth who looks more wide-eyed innocent than incorrigible. Instead, the confinement in the system made him mad enough to want to kill.

"Being in here nine months, you get enough anger built up inside you, you could kill somebody when you walk out that door," he says. "The ones who get caught letting their anger out get locked back up. If they do something and don't get caught, then they can go on and get on with their life."

Rob analyzes his life like the social workers who have raised him. He talks of pride as if it were some grand obelisk he discovered on his odyssey. And he has come to view justice as a game in which the goal is not to get caught . . . or to pretend you don't want to get caught.

Rob's mother died when he was 11.

His father is in a nursing home. He was sent to a state group home after he was caught stealing. He loved the place. But when he had to leave, Rob had no place to go.

Social workers transferred him from group homes to foster homes. In frustration, Rob says, he often ran away. Each time, the state put him in another facility.

Once he stole a car while he was AWOL. Another time he broke into a house and stole some guns, he says.

Rob spent a year in the Northern Kentucky Treatment Center in Kenton County, three months in the Owensboro Treatment Center. He eventually wound up at Central Kentucky Treatment Center in Louisville, where the state's more serious juvenile delinquents are locked up.

Rob earned a high school equivalency degree. He climbed to the top level at the camp on the strength of his performance in class and his behavior.

Still, he was a kid nobody wanted. When he went home, his sister's boyfriend kicked him out. The state sent Rob to a foster home. He got a job and appeared to be making gains again.

"Then my foster parents told me they didn't want me to stay there no more," he says.

Rob moved to another foster home. He walked out when his foster father ordered him to go to his room. "There was no way at 17 I was going to go to my room. I was going to keep my pride. I decided if I leave this time, I'm not going to leave peacefully. I got right in his face and told him if he ever tried to tell me what to do again, I'd break every bone in his body."

Police picked up Rob along the railroad tracks.

He says they talked him into confessing to a robbery he didn't commit. "I had a terrible headache and I was just tired of being hassled. I said, 'Write down whatever you want.'"

Social workers believe Rob wanted to be caught. "When you're cold and hungry, even a place like Central sounds good to you," says Ray Frazier, director of the center in Louisville.

Camp workers say Rob didn't try his

best to get back to the top level. Rob says he didn't care anymore.

"The first time you get to Level 4 you feel like you've accomplished something — somebody's proud of you. But you come back again and it seems like it's a game."

Rob must play a grown-up game now. He doesn't know where he'll go.

"I guess anywhere I can. I'm going to travel. I've got about \$700 saved up. I'm

just going to do my best to stay out of prison. This last time [getting in trouble] sort of helped me to know how easy it is to avoid."

He isn't sure he'll make it.

He takes a long draw on his cigarette, then puts it out.

"I just got this feeling I'm going to end up getting locked back up again. Just watching people, how things go, it just seems like a continuous cycle." □

# Farmers' Harvest of Pain

## HONORABLE MENTION

by Rebecca Hood-Adams,  
Clarion Ledger Delta Bureau  
Jackson Clarion-Ledger

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*A crisis in American agriculture, coupled with a record drought, threatens the survival of Mississippi's family farmers. In 15 articles published from September 28 to October 1, 1986, Rebecca Hood-Adams of the Jackson Clarion-Ledger captured the "Harvest of Pain" that is tormenting farm families and testing their communities.*

CLEVELAND — Farmers used to congregate at the coffee shop to swap hunting stories and compare fertilizer prices. Now they discuss the relative merits of Librium and Valium. Men who five years ago shunned aspirin for a headache say they can't make it through the night without sleeping pills.

"I didn't hardly sleep for two years," says George Fioranelli of Cleveland. His land was lost to the Farmers Home Administration, his marriage, to stress and financial problems.

Yet Fioranelli finds some measure of relief in a prescription. His brother, Gary, practices deep, slow breathing for its tranquilizing effect.

One county away, Glendora farmer Edgar E. Smith III wakes up at night "drenched in sweat from dreaming about falling." He says he's better now that he takes "anxiety pills."

In Tunica County, Milton Boyd went for counseling when he found himself "depressed a lot of the time, my stomach eaten out." This spring his equipment was auctioned in partial payment of his million-dollar FmHA debt.

Boyd has since dropped out of counseling. "It cost by the hour. When you're worried about grocery money, there's no cash for counseling," he says. "Now I try to talk things out with ministers, friends, anyone who'll listen.

"But people in the community don't know how to relate to me. Since the sale I've even had friends dodge me with their eyes. They don't know how to respond. Once they see we're not ashamed and that my family is handling it OK, it gets easier for people to talk."

Farmers say that losing land is like a death in the family — only there's no funeral to exorcise the grief. Unaccustomed to verbalizing their emotions, many farmers suffer in silence, internalizing their loss until it manifests itself in chest pains, flirtations with suicide or bouts with the bottle.

Charles Fioranelli remembers the night he came home from a Christmas party and sat in the driveway weeping. "I just got to where I didn't want to be around people any more," he says. "I looked at those men at the party and they were all so successful. I felt like a failure."

Charles Fioranelli was Mississippi's Young Farmer of the Year in 1979.

"That old adage 'misery loves company'? Don't pay any attention to that," he says. "When you're going through real hard times, you're alone, or at least you feel like you are."

Charles Fioranelli says he realizes many men are uncomfortable discussing their emotions. But he's recently turned the corner on depression and wants to speak out to let fellow farmers know they are not alone.

"It helped me when I read about men up in Iowa who had the same feelings I had," says Fount Ray Armstrong, a Gunnison farmer who faces the loss of third-generation land. "It's been awful hard. Lonely. You get to where you don't want to talk about it. You cringe when you hear the phone ring for fear it's somebody you owe money. My wife won't even answer the phone anymore. I won't pick up the mail."

The trickle-down effect of the Delta's farm crisis has become a water-

fall threatening to drown wives, children, families.

"1985 was the lowest point of our married life," says Beverly Fioranelli, whose husband, Gary, lost the land he farmed with his brothers George and Charles. "I was more afraid than I've ever been in my life. Our home, everything we had, was on the line."

Her sister-in-law, Vicki Fioranelli, calls it "the year we matured and grayed 10 years in 12 months."

"Your wife wants to help, but there's nothing really she can do. And that increases her stress," says husband Charles.

Wives have a right to be anxious.

"My wife is as responsible for our loans as I am," says Wayne Fioranelli. "She needs to know what is going on because her name is on every piece of paper I sign. She even has to sign for my draw from FmHA. We take out enough

life insurance to cover it if something happens to me."

His wife, Debbie, "tries not to think about it," but quietly activated an insurance policy of her own.

Schoolteacher Debbie Fioranelli says she's realized she will have to continue working to provide for their children. "That's why I've gone back to school to get my master's," she says.

Her husband says he attempts to leave his farming in the field. Yet, Debbie Fioranelli says she sometimes feels like a widow.

"He's gone from sunup until sundown," she says, "and I'm here alone trying to cope with the twins. But I do feel lucky that when he does come home, I know he wants to be here; he loves us."

Farm couples try to protect their children, but Vicki Fioranelli says that she realizes farming offers little stability.

"Our moods vacillate with the crops," she says. "One day we're up, hoping the harvest will be good. The next day, prices drop and our optimism is gone. The children see that."

And the stress extends beyond the front door, from one generation to the next. "I've made sure my 16-year-old son, John, wouldn't want to go into farming. I've discouraged him at every turn. When I've talked to him, I've been honest about how hard it is," Armstrong says.

"I started telling my boy the truth about farming the same day I told him there ain't no Santa Claus."

This will be the last harvest for many Mississippi farmers. They are fighting shrinking world markets and low commodity prices. In addition, they are carrying back-breaking debt incurred



THREE GENERATIONS OF THE FIORANELLI FAMILY GATHER FOR SUNDAY LUNCH NEAR CLEVELAND. THEY CHERISH THE STRONG

FAMILY BOND THAT HAS KEPT THEM TOGETHER DURING THE MOST TRYING TIMES FOR FARMERS SINCE THE GREAT DEPRESSION.

at the decade's turn when the belief that land values would never fall prompted expansion with double-digit interest rates.

"You can't make a living on \$4.50 soybeans" has become the lament of farmers who say they need to make between \$6.50 and \$7.50 per bushel to break even.

With typical optimism, farmers had hoped that this year would be the turnaround. One more good crop, farmed smarter, might just bring the payday that

would balance the scales.

The summer of 1986 brought the South one of its worst droughts in 25 years instead.

Last week in Bolivar County, farmers were able to harvest an average of only 10 bushels per acre of soybeans, one-quarter to one-half a bale an acre of cotton and 115 to 135 bushels an acre of rice, says J.D.Mathis, vice president of Delta Rice Services of Cleveland.

Average cotton yields are one to 1.5 bales per acre, soybeans average 20 to

30 bushels an acre, and rice yields are down 10 to 20 percent.

With little hope of breaking even, farmers are facing a harvest of pain.

Hardest hit has been the Delta, the spiritual center of Mississippi's heartland. It is an area where men who inherited third-generation land and a life-style born of planting for profit face the loss of their homes, fields and hopes.

The Mississippi Delta is the South's cropland casino. With soil so rich that wind-blown seeds sprout by the side of the road, these lush flatlands called to farmers with dreams of success as expansive as the hundred-acre horizon.

The Delta is a place where a man could start out after World War II with 80 acres and a mule and today harvest 10,000 acres of rice and soybeans. It's the home of high rollers, planters who once relished risking a million dollars on the probability of rain. Until this decade, a single profitable season could recoup losses in lean years. However, today the cost of farming — both financially and emotionally — is so high that men who have farmed for 40 years can't survive even one bad crop. And sharecroppers go broke on rented land.

"It's not just the little man going bankrupt, but the big guy too, says Rogers Hall of Cleveland. "I know a fellow who's farmed all his life without ever borrowing. . . . Now he goes to the bank for grocery money."

Hall came to the Delta in 1946 because farming looked like an appealing lifestyle. "It was good to me," he says. "I raised my family, educated my children. But I don't see any hope for agriculture today."

"For a world of people in the Delta, this is their last crop," says 43-year old Don Counts of Schlater, who manages Hall's 1,700 acre farm.

A Delta native, Counts farmed on his own for 13 years before low prices and low yields forced him off 600 rented acres. Counts learned that "you can't make it nowadays without irrigation."

A pivot irrigation system for 120 acres costs between \$40,000 and \$60,000. Tractors carry \$50,000 to \$100,000 price tags. One after another, farmers are finding themselves priced out of employment.

"I was more fortunate than most," Counts says. "I was able to find a job within three months. But then, I was relatively young. I don't know what a man does when he has to start over at 60 or 65" □.

JOE WATSON, WHO FARMS WITH HIS SON IN TUNICA COUNTY, HELPS LOAD RICE FROM THIS YEAR'S HARVEST.



DON COUNTS OF SCHLATER, MANAGER FOR ROGERS HALL FARMS NEAR MERRIGOLD, SAYS FARM LABORERS IN THE DELTA "JUST DON'T HAVE THE SKILLS FOR FACTORY JOBS."





# Policing Police Misconduct

by Ira D. Perry  
*Houston Post*

*Houston police took so long to investigate some allegations of police misconduct that guilty officers could not be disciplined. Sergeants with questionable backgrounds themselves often investigated their subordinates. Officers with serious psychological or alcohol problems were retained on the force. And in more than 180 cases when the police department concluded its officers committed crimes, it did not tell prosecutors. These and other findings resulted from a four-year campaign by the Houston Post to obtain police department documents through the Texas Open Records Act. City officials admitted they spent as much as \$250,000 in legal fees and other expenses to keep Post reporter Ira D. Perry from eventually viewing nearly 10,000 internal investigations and agency files. Perry's articles, beginning on November 23, 1986, also drew on his review of 1,000 federal and state court cases, dozens of interviews and hundreds of civilian complaints. His series is credited with causing a major overhaul in how police misconduct in Houston is monitored and corrected.*

HOUSTON—Two witnesses backed up a 24-year-old convenience store clerk who told police supervisors in 1984 that two Houston policemen beat him because he asked them not to use his store phone without permission, records never before disclosed to the public reveal.

The Internal Affairs Division (IAD) of the Houston Police Department (HPD) ruled that the incident occurred after interviewing the witnesses, young boys ages 11 and 9. The officers — Avon L. McDaniel and Leonard Chambers — denied the charges. They said the clerk had prompted the incident by grabbing one of them on the arm.

In this and more than 200 other cases documented in HPD records, IAD took so long to investigate Carl Garrett's complaint that state law prohibited police chief Lee Brown from suspending either officer longer than 15 days without pay. State law requires that an officer be investigated and disciplined within six months of an alleged incident if the officer is to be fired. In this case,

IAD took 16 months to question six people. McDaniel and Chambers got 15-day suspensions and are still Houston police officers.

When then-police chief B.G. "Pappy" Bond announced in 1977 that IAD had been formed to investigate police misconduct, he promised a squeaky-clean force would result. But an investigation into the division's operations shows IAD has been hampered by massive record-keeping problems, a backlog of complaints, a shortage of investigators, and policies biased toward HPD officers. Officers accused of wrongdoing often remain on duty for months, even in cases where substantial evidence indicates they may be guilty of wrongdoing.

The *Post* reviewed HPD's previously confidential records of more than 6,771 investigations involving at least 3,268 officers from the IAD's inception on July 1, 1977, through December 31, 1984. Those records show that 141 accused officers could not have been fired

no matter what misconduct IAD proved they committed because the division took over a year to investigate. IAD staffers took an average of four months to investigate complaints. IAD administrators and Chief Brown took an average of 52 more days to review those probes and discipline the officers involved — ending the process, on average, eight days under the allowable six months.

In those records HPD divulged after a state district judge ordered them released, the *Post* also found:

☛ The number of complaints against Houston police officers skyrocketed from 583 filed in 1977 to 1,539 filed in 1985 — a 164 percent increase. The number of IAD investigators to handle those complaints went from six in 1977, or one for every 97 complaints filed, to 18 in 1985, or one for every 85 complaints.

☛ IAD eventually sustained allegations against officers named in 3,455 complaints, but relieved officers of duty pending investigation in only 70 cases.

☛ IAD's system is so disorganized that some complaints alleging misconduct as serious as excessive force were never investigated. Some accusations were probed twice by different investigators unaware of the other's investigation.

☛ The index system IAD used to track complaints has no cards on 1,043 officers accused of misconduct.

☛ IAD investigators probed only 38 percent of the complaints filed. The remainder were investigated by the accused officers' supervisors, just as complaints had been before Bond promised reform. IAD administrators can not be certain HPD supervisors reported all complaints to the division as required. More than 40 officers were investigated and disciplined — one was fired — without IAD's knowledge because complaints against them were handled entirely by their supervisors.

☛ IAD investigators have not at-

tempted, and will not attempt, to detect patterns of misconduct or trends by individual officers toward violence; IAD investigators have routinely checked the criminal backgrounds of Houstonians who registered complaints against policemen in order to obtain evidence of violent behavior or antagonism that might help clear HPD officers.

☛ Investigators have required Houstonians to submit sworn affidavits in most cases so perjury charges could be filed if their complaints proved untrue. Officers have not been required to swear to their responses.

☛ Investigators have accepted the testimony of people with obvious personal reasons to back an officer as "independent witnesses."

### OVERBURDENED SYSTEM

Lee Brown, chief since 1982, denied HPD's system for investigating police abuse has failed or that the department has ignored wrongdoing. "We want to make sure we have a department that is, in perception and in fact, one of the highest degree of integrity," he said. Brown



said IAD's system is basically "as good as any system in the country," but he agreed the process takes too long.

Steve Reiser, IAD administrative sergeant and the department's spokesperson on the *Post* investigation, conceded, "I don't think there's any justification for it [the delays]. It's caseload, man-

power."

Reiser, who defended the system until interviews with the *Post* began, has resigned. He said he has come to believe the system is bogged down and is being sidetracked from its original purpose of protecting Houston citizens from police abuse. "We have lost sight of what Internal Affairs was originally assigned to do."

Reiser and Brown said that IAD has taken steps to speed the process, that it must deal with some factors that cannot be controlled, and that more investigators have been assigned to the division. IAD Lt. Paul Lindsey said the new efforts included implementation of a case-management system, creation of a new unit to investigate cases requiring undercover or unusual investigative techniques, and a reduction in investigators' paperwork. But IAD still cannot investigate all brutality complaints within the six months allowed to get a violent officer fired, he conceded.

Reiser said IAD has unsuccessfully sought a \$65,000 computer system to help speed complaints and to prevent the theft or loss of records such as those missing on 1,043 officers accused of misconduct. IAD's current tracking system is comprised of 3-by-5-inch index cards that contain the complainant's name, the date the complaint was filed, the date the investigation was completed, a two- or three-word description of its nature, the final disposition, and, sometimes, the discipline imposed.

Reiser could not explain why records on 1,043 officers were missing from that system. Nor could he explain why hundreds of other cards lacked the accused officers' names, the nature of the investigations, or the dispositions, or were so incomplete that investigators could not discover previous complaints against an officer.

In 1983, for example, Capt. M.C. Simmons told Brown punishment was not warranted partly because an accused officer had no prior complaints against him. The officer had, in fact, been named in two prior investigations. Simmons could not have known about those investigations because IAD's index system did not list them.

## PATTERNS OF ABUSE

Most HPD officers never draw a single complaint. However, some Houston officers have been under investigation virtually their entire careers but have been evaluated only to determine what discipline should be imposed and never to see if their behavior could be corrected.

Officer Mark S. Wilkinson chalked up 25 complaints in seven years and HPD sustained 23 violations of departmental policies alleged in 10 of those complaints. Those 25 complaints put Wilkinson under investigators' watch for one month of 1977, eight months of 1979, every day of 1980, six months of 1981, eight months of 1982, and 10 months and 15 days of 1984. However, HPD records show no indication that the department ever evaluated his overall conduct with an eye toward correction before 1984. The department fired Wilkinson that year, but the city's Civil Service Commission reduced his punishment to 37 days without pay. That is not an isolated case. HPD records show that 117 officers — less than three percent of all HPD officers targeted by complaints — prompted 20 percent of all complaints alleging wrongdoing between July 1977 and December 1984. All but 26 remain in the HPD. Those 117 officers each drew more than 10 complaints. More than 20 complaints were filed against each of five officers, and another seven sparked 17 to 20 complaints. Many of those 117 officers were accused of the same misconduct time after time.

Reiser admitted IAD cannot spot officers who drew more complaints than others in similar positions, cannot identify officers who drew multiple complaints of a similar nature, or those who began drawing many complaints after an extended period with no complaints. Both Reiser and Brown said HPD will not necessarily take action even if it does determine an officer has a large number of complaints or has been found to have committed misconduct several times in the past.

HPD records show dozens of cases where statements from nightclub owners and employees — who could face civil liability if they admitted an officer working for them beat a citizen — were used to discount an allegation. Reiser said

IAD has stopped that practice and now requires that an independent witness be "a person who does not know or has no ties with any of the parties involved." But he said IAD does not require its officers to swear to the truthfulness of their required written responses, although Assistant District Attorney Don Smyth said he has asked that they do so. Smyth prosecutes police officers accused of misconduct as head of the DA's Civil Rights Division; he has used conflicting sworn statements to bring at least one officer to trial on a perjury charge.

## PSYCHOLOGISTS OVERRULED

Some police officers are on the force even though HPD psychologists sug-

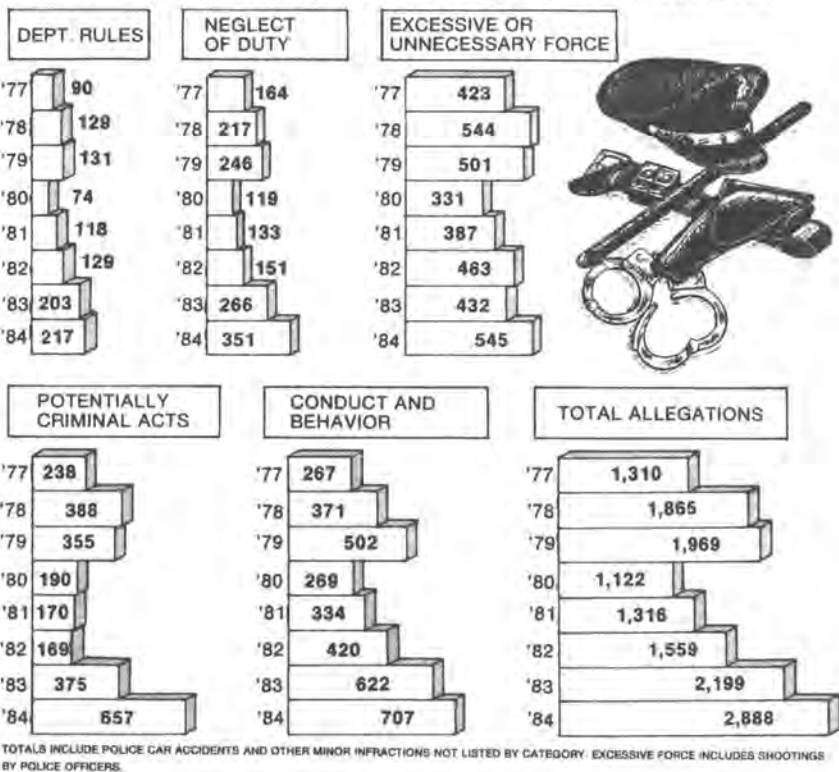
Some were determined to be suicidal, to have "poor impulse control," or to suffer from severe depression or extreme stress.

Dr. Michael Cox, who performed many of the psychological evaluations, said he was unaware HPD had not followed his advice. Cox, a psychologist at Baylor College of Medicine, said HPD did not tell him the outcome of disciplinary cases against officers he evaluated. "I thought that they were very responsive to the problems," Cox said. "I don't know that I'm angered," he said of HPD's failure to follow his advice. "I do find that distressing. When I make a statement [that an officer should be fired] . . . I do so very carefully."

HPD records document several cases in which Cox or other psychologists

## COMPLAINTS ON THE INCREASE

Allegations against Houston police officers rose from 1977 through 1984.



gested they be fired or kept away from the public, confidential medical records reveal. Psychologists said flatly that several current officers should never have been hired and others should have been dismissed. The psychological profiles described some officers as "maladaptive," "paranoid," or "psycho-social."

gave negative evaluations for officers who were not fired or removed from public contact.

Officer Glenn Yorek told police in 1979 that he no longer would ride with his partner who was acting strangely. "I told Officer . . . I was not going to do everything he said to do. [He] said, 'Yes,

you are,' and pulled his pistol from his holster and pointed it in my general direction and pulled the hammer back," Yorek said in a written statement to HPD investigators.

"Then he said something to the effect that he was going to kill me if I didn't. I was quite upset, to say the least." Yorek said his partner threatened to beat a 19-year-old prisoner and acted as if he had a grudge against everyone he met. "He would mention the word 'kill' in just an ordinary conversation we were having — things like, 'I oughta kill you,' or 'He needs to be killed.'" Yorek said the officer would pull his gun "just to play with it and act like he was going to use it." Cox evaluated the officer and noted "well-established maladaptive patterns of behavior such as inadequate modulation of anger, deficient impulse control, poor accommodation to authority, abnormal tendencies toward interpersonal antagonism and a lowered tolerance to frustration suggesting a personality disturbance." His report said the officer might "be quick to anger and tend to act overtly upon his aggressive feelings. . . ." Cox concluded that those characteristics "may compromise this individual's ability to carry out his responsibilities as a patrolman in his current capacity."

Despite that warning, then-police chief Harry Caldwell suspended the officer for three days and transferred him to the department's Patrol Bureau. He remained an officer until he resigned.

In a 1982 case, Cox said flatly, "Individuals with similar test profiles are normally eliminated from consideration as potential police officers." In this case, an off-duty officer allegedly had been drinking and had pointed his pistol at an unarmed woman after a car wreck. It was his second drinking-related incident in less than a year. Brown suspended the officer for 30 days without pay. He remains on the force.

The Administrative Discipline Committee (ADC), made up of assistant chiefs, had another officer evaluated in

November 1982, but didn't complete its review until January 1984. "There is a pattern of behavior emerging that needs addressing," the committee evaluation said. The committee concluded the officer suffered from an "adjustment disorder with depressed mood." Cox determined the officer was functioning under "rather severe psycho-social stress" and recommended further counseling. The personnel panel told Brown, "We conclude that Officer . . . poses a liability to the City of Houston Police Department in his present condition. However, if Officer . . . can resolve his marital problems, he could in all probability become an acceptable employee."

That officer's problems apparently had gone on more than a year while the

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*His partner acted as if he had a grudge against everyone he met. "He would mention the word 'kill' in just an ordinary conversation we were having — things like, 'I oughta kill you,' or 'He needs to be killed.'"*

committee evaluated him. When he agreed to undergo counseling, he was allowed to remain on active duty until his wife said he shot at her. He resigned when Brown questioned whether he was still in counseling.

Psychologists said one officer was so rigid in his beliefs that he could not deal with blacks and Hispanics. "At this time, Officer . . . cannot deal objectively with any citizen. We feel that this is not due to his personality structure but rather his misconception of his role as a police of-

ficer," the personnel committee said. Caldwell suspended that officer for 15 days. He is still a Houston police officer.

#### DISTRICT ATTORNEYS NOT TOLD

Bartender Neil Mann told police in 1977 that Houston police officers — who are still on the force today — beat him during a vice raid. Police Sgt. Sidney L. Serres witnessed that incident and told investigators: "I saw two or three men holding the actor [suspect] with handcuffs on. One of them was yelling something at him and then hit him in the stomach a couple of times. He bent over and groaned. I believe another officer then hit this actor in the stomach." Serres said two or three officers were present, but he could not identify the one who struck Mann "as I was all the way across the room." Mann told IAD investigators that Officer Refugio Vasquez struck him as Officer Richard Nieto held him. Both officers denied any wrongdoing. Department officials upheld allegations of excessive force against Vasquez and suspended him without pay for five days. Nieto was cited for unnecessary force and given a written reprimand.

Despite that conclusion and despite confirmation by one of HPD's sergeants, IAD investigators never told county prosecutors about the case or asked if it should have been presented to a grand jury. Mann's complaint is one of at least 181 cases since 1977 in which IAD investigators concluded that Houston police officers committed acts that might have warranted misdemeanor or felony charges, but which did not go to a DA to determine if the officers should have been prosecuted.

Many of the allegations in the 181 cases were relatively minor — shooting fireworks, working another job while on sick leave, being intoxicated off duty, or writing a bad check. However, cases never sent for prosecution included those in which investigators upheld allegations of assault, solicitation of gifts, altering of official reports, oppressive conduct, criminal mischief, theft, and attempted theft.

Officer Nicola Cappussi had a few too many drinks on New Year's Day, 1982. He showed up drunk at the Stauffer Greenway Plaza Hotel while off duty, pulled a revolver, and threatened to

shoot several people in an ordeal that lasted more than two hours. IAD allowed Cappussi's supervisors to investigate that incident. "There did not appear to be a criminal charge," IAD said in its official report explaining why it did not probe that case. Cappussi was allowed to resign from the force "for personal reasons" and was never prosecuted.

Reiser conceded some criminal and civil-rights cases against police officers may never have been sent to prosecutors. He said IAD does send cases where evidence indicates charges may be warranted. However, assistant DA Smyth in the Civil Rights Division said he was unaware IAD was sending some cases but not others.

District Attorney John B. Holmes, Jr., admitted IAD's actions might allow officers who should be indicted to go free. He said he had confidence in IAD, but added, "I know of cases where there has been alleged criminal conduct on the part of someone involved in law enforcement that has not been brought to our attention." He cited the case of George Pitts, who was fined \$300 and placed on 180 days probation by deferred adjudication — meaning a finding of guilt was postponed until he completed a probationary sentence — for evading arrest after leading officers on a high-speed chase. Police said he had been drinking. That case was brought to Holmes' attention not by HPD, but by a television reporter.

However, even when the police department did consult the DA's office, prosecutors often decided not to file charges although they had not seen a witness statement, an investigative report, or any evidence against the accused officer. IAD records show prosecutors turned down cases based only on telephone conversations dozens of times. Smyth and Holmes admitted that should not have happened.

"The only reason I can think of is the officer calls you up, runs everything by you, and you say, 'Based on what you tell me, I think we can probably decline it,' and he never follows it up with his investigative report," Smyth said.

HPD's records show assistant DAs sometimes agreed not to prosecute officers before IAD investigators even inter-

viewed all possible witnesses. The Post found dozens of cases in which investigators asked prosecutors to decline charges before talking to officers who may have witnessed alleged incidents. HPD records show assistant DAs sometimes declined to prosecute because HPD had disciplined the officer or because the accused had no prior complaints of wrongdoing, had paid restitution, or would not cooperate with investigators otherwise.

Records show that Officer Roger A. Cantu, for example, refused to take a polygraph test in 1981 after a prisoner claimed Cantu had slapped him eight to ten times while in a jail cell. The prisoner passed a polygraph test. Cantu was ordered to take a polygraph, but records

## STATE INVESTIGATES NON-REPORTING

State officials are investigating why they were never told 24 current or former Houston police officers were arrested or charged with crimes since 1977. The officials also want to know whether those officers' state licenses should be suspended or revoked.

David Boatright, general counsel for the Texas Commission on Law Enforcement Standards and Education (TCLOSE), confirmed that his office is checking the backgrounds of the 24 officers as a result of the *Post* investigation.

### CITIZENS WHO COMPLAINED OF POLICE MISCONDUCT

1977—1984—Figures show numbers and percentages of complaints taken, according to race and sex.

#### THE ACCUSERS

BLACK	M	14.7%	998
	F	4.9%	338
WHITE	M	36.7%	2488
	F	7.9%	536
HISPANIC	M	1.6%	110
	F	7.8%	534
ORIENTAL	M	.1%	8
	F	.0%	5
UNKNOWN	M	18.9%	1288
	F	3.6%	247

RACE AND SEX OF 218 COMPLAINANTS, OR 3.2%, COULD NOT BE DETERMINED

SOURCE: HOUSTON POLICE DEPT.

#### THE OFFICERS

BLACK	M	1.8%	813
	F	1.1%	112
WHITE	M	43.4%	4313
	F	1.3%	139
HISPANIC	M	9.2%	919
	F	.4%	42
ORIENTAL	M	.0%	3
	F	.0%	0
UNKNOWN	M	2.0%	2786
	F	1.5%	158

RACE AND SEX OF 649 OFFICERS, OR 6.4%, COULD NOT BE DETERMINED.

Post illustration by Dick Westbrook

show he refused unless the DA's office promised he would not be prosecuted. Assistant DA Terry Wilson, Smyth's predecessor, issued the promise when told IAD had exhausted its investigative possibilities. Cantu failed the polygraph and was ultimately suspended from duty for three days. He could have been fired for refusing to take the polygraph.

The 24 include several accused of, or found guilty of, felony crimes and whose state licenses should have been, but were not, revoked or suspended while they served probationary sentences. Those officers include some sentenced to prison or on probation for crimes such as rape, sexual abuse of a child, felony theft, and aggravated

assault. All 24 remain licensed as police officers in Texas.

HPD attorney Tim James denied his department failed to inform the agency when it was supposed to do so. James said HPD has notified when an officer was fired or charged with a crime since he became the department's general counsel. Yet HPD records show several officers now in question were arrested and charged since James became the department's attorney. TCLOSE, under state law, is responsible for ensuring law enforcement officers meet state requirements and for revoking licenses of officers who become disqualified. Since 1985 TCLOSE has required individual officers to report their disqualifications to the agency, but there is also no penalty for officers who do not do so. "In practice and in effect, the system is a sieve," said Boatright.

Fred Toler, executive director of TCLOSE, said the organization's only recourse would be to take action against an individual officer for violating a TCLOSE rule. "And about the most we could do about it would be to take action against his or her license and have a hearing or something like that," he said.

There may be many more officers with arrest records in other Texas cities. "There is just no mechanism in place for anybody to report to us when an officer screws up. If he's indicted or in trouble, often we read about it in the newspapers," conceded Boatright.

#### INVESTIGATORS NAMED IN COMPLAINTS

Sgt. Harry J. Stubbs has investigated at least nine complaints alleging wrongdoing by HPD officers under his supervision. He has also been named in at least seven complaints of misconduct himself, and investigators

have sustained four of the accusations against him. Other HPD front-line supervisors have been allowed to investigate officers accused of misbehavior although the supervisors themselves have records of alleged misconduct. While the department checks the backgrounds of IAD investigators, it allows field sergeants to investigate officers working directly under them without regard for the sergeants' own pasts. Complaints that IAD sent to the field sergeants were generally less-serious violations, such as rudeness or neglect of duty. However, violations including unnecessary physical force and criminal activity also have been investigated by those supervisors.

Sgt. Bruce R. Baker has been investi-

gated in 22 incidents, and HPD upheld 10 accusations in four of those complaints against him. He continues to investigate other officers. Sgt. William L. Brasher was investigating complaints against other officers even after questions were raised about his involvement in the shooting of William Henry Pressey in 1983. Brasher was fired and later found guilty of aggravated perjury for lying about that shooting to a support officer. Four other supervisors — Joe Allen Scott, Ralph L. Swain, Richard D. Williams, and Freddy Guidry — continued investigating officers even after HPD concluded they each had misled the department at least once before.

Reiser said sergeants' backgrounds pose few problems because IAD monitors their actions and the police chief reviews each investigation.

Reiser said, "As an investigator, I'm not going to intentionally cover up anything and take a chance on going to jail myself. I think that's the general consensus. That's ludicrous to even think somebody would do that."

Yet HPD records show that has happened. In November 1980, for example, rookie officer Nicholes Rocha told a sergeant that field training officer Steven G. Shunk had beaten two prisoners they stopped for a traffic violation. Shunk stomped the head of one after he had been handcuffed and subdued, Rocha claimed in a written statement. But the sergeant told Rocha the incident was a "personality conflict," HPD records show. Rocha said the sergeant lectured him for complaining on one of his "finest officers" and threatened to have Rocha fired. Shunk was never questioned. Nothing more occurred until Rocha told another sergeant of the alleged incident almost three months later. Shunk was investigated and subsequently fired for attacking the two prisoners, though he denied any abuse and was never prosecuted.

In another example, Sgt.



**"NO OTHER MAJOR POLICE DEPARTMENT HAS AN INTERNAL AFFAIRS AND REVIEW PROCESS AS EXTENSIVE AND AS OBJECTIVE AS THE HOUSTON POLICE DEPARTMENT," SAYS POLICE CHIEF BROWN.**

Ernest W. Kirschke admitted he told two of his officers not to tell IAD investigators they had fired at a fleeing suspect in violation of department rules in July 1984. He did not admit giving that order until IAD investigators confronted him with witnesses' statements. Brown demoted Kirschke to a rank-and-file officer six months after the incident, but Kirschke appealed to the city's Civil Service Commission. That panel overruled his demotion and ordered Brown to suspend the sergeant for 15 days instead, Reiser said. Kirschke had investigated 14 other incidents.

### THE CHIEF'S ROLE

Houston police chief Lee Brown has taken steps to better monitor and discipline police officers, but he has refused to fire some that his assistant chiefs recommended be forced out. Officers that Brown refused to fire included some who HPD concluded had retaliated against citizens filing complaints against them.

Records show:

• Brown has read investigative reports for every citizen complaint filed against a police officer, reports involving police-related shootings, and reports on police automobile accidents. He is the first chief since Harry Caldwell, who served from 1977 to 1980, to do so routinely.

• Brown is the first chief to demand that all accidental firearm discharges be evaluated for negligence. HPD records show that one of five shooting incidents involving a Houston police officer from 1977 through 1984 was accidental. None was investigated routinely for officer negligence before Brown issued that directive in 1983, after the *Houston Post* inquired about shootings involving HPD officers.

• Brown is the first chief to demand that IAD investigators, not divisional sergeants, probe all police-related shootings. He issued that order in 1984 and also ordered a panel of assistant chiefs to review all shootings. Field sergeants previously investigated firearms discharges that did not cause injury, and IAD investigators usually only monitored Homicide Division investigations of shootings in which citizens were killed or injured.

• Early in 1986, Brown launched

HPD's "proactive unit," a five-person group within IAD to investigate — through undercover techniques, if necessary — serious offenses by officers.

However, Brown frequently has refused to go along with his own investigators and assistant chiefs — sometimes in favor of a citizen, but more often in favor of an officer, records show. According to HPD records, Brown's assistants recommended that Frank M. Cantu be fired in 1984. He was seen off duty and in uniform at a bar in violation of department policy, and he admitted he falsified an offense report in an unrelated incident. Brown suspended Cantu for five days without pay.

Brown's assistant chiefs recommended Bruce D. Williams be fired in

## A PICTURE WORTH 10,000 WORDS

If you wonder how Houston police responded to Ira Perry's investigative series, consider a telephone conversation that he had with Mark Clark, president of the Houston Police Officers Association. Perry called Clark after the series appeared. Here's how the conversation began:

Clark: "Is this the Ira Perry that 4,500 policemen want a picture of?"

Perry: "I would imagine. We could probably get you copies. I don't know how much it would cost you."

Clark: "Tom Kennedy [a *Post* columnist] guaranteed me a picture so it could be a cut-out picture we could put in our next police publication so we could give it to our units out there so they didn't mistake anybody for anybody."

1983 after he was accused of harassing the staff of Winston's Restaurant. Police supervisors told Williams to stay away from the club, but he later asked the Texas Alcoholic Beverage Control Board to raid the restaurant and went on the raid. "It is important to this department that persons complaining on the conduct of its employees can feel confident that they may present their claims for review and will suffer no retribution or retaliation," the assistant chiefs said in recommending that Williams be fired. Brown suspended Williams for 15 days without pay.

Officer Mac A. Moore told investigators he knew nothing of allegations that relatives were involved in theft and fencing activities. Moore was photographed leaving their house minutes before police raided it in 1984. He first denied he entered the house that day but admitted it when told he had been photographed leaving.

"In addition, he told a witness that he had instructed his [relatives] to get out of the business they were in; however, he would not admit that to the investigators," the disciplinary committee said in recommending Moore be fired. Brown suspended him for three days.

Brown has not always lowered the recommended punishment. Department supervisors recommended suspending Johnnie Navarro for 30 days in 1983 after he admitted he lied to IAD investigators about firing warning shots at a suspect. The shots, IAD determined, had been intended to wound. IAD investigators found no evidence that the suspect had a weapon, and chemical tests showed he had not handled a weapon before Navarro shot him in the leg. But ADC members said Navarro still may have been in fear of his life and insisted the suspect may have been armed. Brown fired Navarro.

HPD records show the department was reluctant to fire officers except under extreme circumstances before Brown's arrival. Available department records show that all four chiefs, including Brown, who served from 1977 through 1984 fired at least 97 officers. Brown fired 22 of those officers alone in 1984.

Brown also frequently has taken issue with officers' casual use of offensive slang, records show. He disciplined officers using derogatory terms for homosexuals, blacks, and other minorities more harshly than recommended in almost every instance from 1982 through 1984. He once sharply criticized an IAD investigator for referring to a citizen complainant as a "mental case" and warned him that policemen are not psychologists. □

# Underage Crew Cleans Asbestos In Schools

## HONORABLE MENTION

by Ann Mittman  
FLORIDA TODAY

On May 24, 1987, Florida Today revealed that a Dade City contractor had hired underage black teenagers from a high-school football team to remove cancer-causing asbestos from seven Brevard County public schools. Reporter Ann Mittman worked for months to check out a tip and conducted her investigation without the cooperation of the school board, which thought no wrongdoing was involved.

MELBOURNE— Underage black teenagers from a West Florida high school were hired by a Dade City contractor last summer to scrap cancer-causing asbestos off the overhangs and ceilings of

seven Brevard County public schools. At least seven youths, ranging in age from 15 to 18, worked for CNH Construction, Inc., of Dade City between early June and late August, 1986, according to the company records provided to the Brevard County School Board and based on information from interviews with the boys and four of their parents.

The boys, all living in Dade City, said 20 of their friends and teammates also worked for the company. Most of the teens were members of the Pasco Comprehensive High School varsity and junior varsity football teams in Dade City. Three boys said they took the summer jobs because they thought they would be staying in plush hotels, earning \$14 to \$15 an hour, and spending weekends driving company cars to entertainment.

The boys were housed in two Melbourne motels where police records show that officers responded repeatedly to calls of disturbances, assaults, prostitution, and drug dealing. The boys said they were paid \$4.75 to \$5 an hour to scrape asbestos 10 to 12 hours a day, sometimes seven days a week inside school buildings encased in plastic. And when they wanted entertainment, they walked.

The teenagers said they were not trained to use respirators properly to protect their lungs from toxic asbestos fibers, and most of them did the work without the masks. Because it was unbearably hot inside work areas, they said they were told they could cut off the arms and legs of their coveralls, exposing their skin. While working in Brevard, one teen said they were warned not to talk to reporters or they would be punished and sent home.

When they were employed, the boys said they did not receive medical examinations as required by federal laws and the company's contract with the Brevard County School Board. They signed documents stating they would not sue the contractor if they acquired cancer.

Asbestos, which was used in insulation materials and ceiling and floor tiles in buildings built before 1970, was banned for use in construction in 1978. Federal laws now mandate that public-school officials must inspect their buildings for asbestos and remove any material hazardous to the occupants. Inhaling asbestos fibers can cause lung cancer; asbestosis, a scarring of lung tissue that diminishes breathing capacity; and mesothelioma, a cancer in the lining of the chest or abdominal cavity.

Gerry and Isa Ransom of Dade City said they found out about the asbestos-removal jobs through Rick Giles, a man hired during the football season as an assistant football coach. Giles occasionally works for CNH and is a part-time employee of the Pasco County School District.

"Being the football coach, you do not think he will put the kids in jeopardy," said Isabelle Ransom, the teens' mother. Giles, who lives in Dade City, could not be reached for comment. "When I found out that they did not have physicals or anything I went and got my children," Ransom said. "If I had known they were working around asbestos I would not have let them go."

"It was so hot that people would pass

COACHES TIP: GERRY RANSOM, LEFT, AND HIS BROTHER, ISA, SIT WITH THEIR MOTHER ISABELLE. THEY SAY AN ASSISTANT FOOTBALL COACH TOLD THEM ABOUT THE CLEANING JOB.





out and fall down," said Gerry, now 18, who scraped asbestos with Isa, now 19, for three weeks before their mother took them home. The youths said they did not receive medical physicals last summer as required under OSHA asbestos regulations. "All they told us was that it [asbestos] was harmful," Isa said. "That is the only important piece of information they gave us. They did not say it was that harmful. They told us if we lived to see 70, we might get cancer. An inspector told us we were dumb for working there and that we were being underpaid." He could not remember the inspectors' name.

There are no state laws in Florida requiring contractors to be licensed to do asbestos removal. They must hold a construction license and must follow federal Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) guidelines for training workers to remove asbestos and use their protective gear.

Gerry said he was not trained. "You just watched people doing it, then you did it," he said. Isa said they were not shown how to use the respirators, but told to "change the air filters when you feel like you cannot breathe."

While Florida's child labor laws pro-

hibit anyone under 18 from working with toxic substances, the boys said no one asked them for their birth certificates or drivers' licenses. There are no federal or state laws requiring that contractors demand birth certificates or driver licenses, Ron Hubbard, vice president for CNH, said during a telephone interview. Workers only need to provide a social security number and state their age, he said.

"We are not aware there was any violation of the child labor laws," Hubbard said. "We would not knowingly put ourselves in that position. We hire a lot of minority individuals and we pay them a good wage and they do a good job for us." The seven students interviewed said they did not lie about their age.

"Sixteen- and 17-year-old kids cannot be around toxic substances," said Betty Smith, labor employment and training specialist for the Florida Department of Labor. No complaints were filed with the state, she said. But even if a complaint were filed, Smith said she cannot enforce the \$500-a-day fine for violating the law because she runs a one-woman operation.

"The state has never really prosecuted anyone for child labor law violations," she said. "There has not been a case that has been that bad. Usually we

just warn them." Federal labor laws do not specifically prohibit children older than 15 from handling toxic substances unless they are radioactive, said a U.S. Department of Labor spokesman.

Ed Palagyi, state asbestos coordinator for the Florida Department of Environmental Regulation, inspected the work sites on July 24, 1986, and found no violations of department regulations. He also inspected at least two other times after the July visit. He said he did not notice the workers' ages because that is not within his jurisdiction.

An OSHA inspector also visited a work site July 24, 1986, and found no violations of that federal agency's regulations. Larry Falck, OSHA's area director based in Tampa who worked in his youth removing asbestos, said the company was complying "to the letter," according to his inspector's reports. "Personally, if they [teenagers] are adequately protected and following our standards then there are no problems," Falck said. "I have no problem with the ages as long as the company is following correct procedures."

"No matter what anybody tells you, there is no justification to using kids to remove it," said Jim Littell, regional asbestos coordinator for the EPA in Atlanta. □

# Squeezed Out of Northern Virginia

## HONORABLE MENTION

by Vera Titunik  
FAIRFAX JOURNAL

The four-part series "Squeezed Out" in the April 14-17, 1987 Fairfax Journal examined Northern Virginia's low-income housing crisis. The articles covered the struggles of families being forced to move because they won't be able to pay rents in renovated apart-

ments, the ethical predicament for developers renovating buildings, and various remedies.

FAIRFAX— Each afternoon when he gets out of Washington-Lee High School, 16-year-old Oscar Sandoval has three hours to study before he goes to Rosslyn to clean offices there. He makes \$3.35 an hour, which helps his aunt Zoila, who has a job stocking a restaurant's salad

bar, pay the \$450 monthly rent for their apartment at Lee Gardens in Arlington County, Virginia.

A slight young man who speaks in gentle, barely audible Spanish, Sandoval left El Salvador three years ago with his aunt to escape his country's civil war and find work. He has not lived with his parents, who were impoverished farmers in El Salvador, since they went to Houston to find jobs when he was a baby.

Sandoval's about to move again.

At the end of January, he and his aunt and 138 other families at Lee Gardens were told they'd have to move out by May 31. They live in buildings included in "phase one" of changes planned at Lee Gardens. That means their apartment will be among the first to be renovated. The developers, the Artery Organization of Bethesda, Maryland, plan to strip, rebuild, rewire, dress up, and re-rent the apartments for a lot more money.

So much more money, in fact, that Sandoval and his aunt won't be able to



LEE GARDENS TENANT BIANCO MUNOZ FACES THE DOUBLE WHAMMY OF HAVING TO FIND A NEW PLACE TO LIVE WITH LITTLE KNOWLEDGE OF ENGLISH.

afford to live in the future glitz that Lee Gardens' stark, orange-red brick buildings will become.

They'll have plenty of company on the road out. Many more Lee Gardens families are expected to leave the complex's 963 apartments as phases two, three, four, and so on are completed within the next year and a half. The question is: where will they go? There's precious little low-income housing available in Northern Virginia; the vacancy rate for apartments in Arlington, for example, is 1.4 percent. The overall vacancy rate for Northern Virginia rental apartments is about 3 percent.

And the market is about to be flooded. Besides the thousands of Lee Gardens tenants, another 2,000 people in two low-income complexes in the Arlandria section of Alexandria — the Bruce Street Apartments, owned by Washington developers Conrad Cafritz and John Freeman, and Artery-owned Dominion Gardens — are also looking for places to live.

Many of the tenants are like Sandoval and his aunt: people scraping by at low-paying jobs sweeping floors for national associations, washing dishes in downtown restaurants, or dusting the file cabinets of Crystal City weapons lobbyists. "We are people who are used to washing our dishes by hand," said Blanca Munoz, a Lee Gardens tenant from Guatemala.

Finding new homes they can afford

won't be easy. Immigrants like Munoz and Sandoval and his aunt face a double whammy: not only are they restricted by their income, they also are burdened by a limited knowledge of English.

Other Lee Gardens and Arlandria families have a third strike against them: about 28 percent of the apartment complexes in Arlington don't permit children. In Alexandria, 20 percent of the apartments refuse children and another 70 percent restrict the number of children allowed.

With those obstacles, it's not surprising that many of the 5,000 tenants living in Lee Gardens, Bruce Street, and Dominion Gardens have decided to fight the evictions. Some have banded together to demand their apartments be maintained for low-income people. They also have developed a different tactic: with the help of Northern Virginia Legal Services and the Institute for Public Representation at the Georgetown Law Center, they've headed straight for the courts. Their targets are the two developers: the Artery Organization and Freeman and Cafritz.

In Alexandria, the Campaign to Save Our Homes, a Hispanic-dominated but racially mixed tenant organization, has demanded the city use its powers to condemn and purchase property to save Arlandria's low-income housing. It has about 15 to 30 staunch organizers. "We don't need no relocation money" offered

by the developers, said Rena Brown, a Dominion Gardens tenant and leader of the campaign. "We want to buy the whole place."

Alexandria officials applied to the U.S. Department of Housing and Urban Development last September for subsidies for 315 apartments in Arlandria. But because HUD is named in a federal suit filed by Arlandria's tenants, federal officials said they cannot approve the application.

A second, less active tenant group, the Alexandria United Tenants Organization (AUTO), doesn't buy the campaign's approach. Instead, the black-dominated AUTO advocates better services for those who are going to be displaced.

They don't think HUD programs are a good answer to housing problems. That's because HUD subsidy schemes regulating the number of people allowed to live in an apartment would be more strictly enforced, which would leave many people who were crowded into Arlandria apartments without a home, said Barbara Harris, a consultant with AUTO. "No matter who purchases or owns them, many of the people who are being displaced are living in an overcrowded situation," she said.

In Arlington, tenants have welded an alliance of 24 organizations, known as the Lee Gardens Interest Group. It was formed soon after the apartments were sold to Artery in November. Members of the group have lobbied for the tenants, kept in constant contact with county officials, and negotiated with Artery to buy some of the apartments. Reverend Horace "Tuck" Grinnell of St. Charles Catholic Church, a spokesman for the coalition, said the county's "priorities are not addressing the more fundamental needs of the community — housing, shelter, food."

The group that initiated the coalition, the non-profit Tenants of Arlington County, also has hired fiery Magda Gots to work with tenants at the complex. Since the initial meeting after a Mass at St. Charles six months ago, Gots has met every Sunday with a group of tenants to plan strategy.

"For tenants to organize and to realize they have to organize is the most important thing," said Gots, who is from Guatemala. "It's as important as working or doing something for your family."

Julieta Nelson, who cares for children in her home at Lee Gardens and whose husband is a waiter, agreed:

"Every man has a right to a home, however humble."

"This is a problem the county should have known existed," said Nelson, who speaks in a lilting Jamaican dialect. "The governments are there to protect the needs of the people."

Patricia Rodriguez, 22, a member of the group that meets each Sunday with Gots, said, "They [developers] want to do their stuff wherever they want. They don't think of the people here."

Rodriguez works as a cashier at Drug Fair so she can send money back to her family in Guatemala. "We'll show the people that they [tenants] can fight."

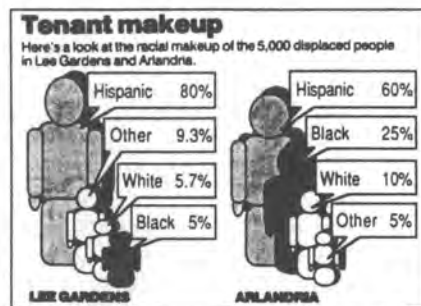
So far, Lee Gardens tenants may not have won the war, but they've surely won some battles. After months of negotiations, Artery agreed to sell the section of North Lee Gardens above 10th Street — 362 apartments in all — to the Arlington Housing Corp. Artery has yet to

set a price and won't until it can estimate the cost of the tenants' lawsuit, company officials said.

In turn, the housing corporation is seeking state and county funds to obtain rental subsidies for those apartments. The federal government granted subsidies that could be used for at least 200 apartments in North Lee Gardens, provided the non-profit housing corporation can afford it.

But those victories leave a difficult question for Lee Gardens tenants. "If they set aside 20 percent [of the apartments], who's going to decide who gets to stay?" said Pam Doran, who helps displaced tenants find new places to live through the Northern Virginia Family Service, another member of the interest group.

LouAnn Frederick, director of the Arlington Housing Corp., said the interest group and tenant organization are just beginning to grapple with the prob-



Deer Clark/Journal

lem, which she said needs "to be addressed with care."

Not all the tenants are fighting eviction, however. Some, particularly immigrants who are in Northern Virginia illegally, have quietly accepted their fate and left their apartments without a sound. "Most people are not Gandhis or Martin Luther Kings," said Sarita Singh, 32, originally from India, who lives at Lee Gardens with her baby son and husband, a management trainee at McDonald's.

Artery has offered relocation payments ranging from \$320 to \$1,000, depending on the size of the apartment, the wages earned by the tenant, and the tenant's age. Freeman has offered \$1,050 to tenants who move within 60 days of receiving their eviction notice.

As of April 9, 177 of the 499 apartments at Dominion Gardens and 197 of the 963 units at Lee Gardens were vacant, said Dan Mackesey, a spokesman for Artery. About 160 apartments at the 299-unit Bruce Street are empty, Freeman said. The most recent figures show 31 of the families who had moved out of Dominion Gardens had found apartments in Alexandria, said Mackesey. Others moved to Arlington, Washington, Maryland, and back to Central America.

The tenants are leaving behind bitter-sweet memories. They speak of Lee Gardens as a transplanted Central American town where friends meet to chat, gossip, and picnic together. But every tenant has at least one maintenance horror story to tell. And questions about upkeep of the buildings are met with a weary rolling of the eyes or ironic laughter.

One family, who asked not to be identified, noticed that water had seeped through to their ceiling in a Lee Gardens building on North Wayne Street. The couple complained to the management for months about the weak plaster, but no one came to fix it, they said. One day when they were in bed, the plaster came down, landing inches from them. "If the

LEE GARDENS TENANT JULIETA NELSON: "THE GOVERNMENTS ARE THERE TO PROTECT THE NEEDS OF THE PEOPLE."



buildings are getting worse and worse it's because they don't take care of it," said the father of the family.

The new developers would not argue that point. "When something broke, it was fixed with a Band-Aid when a Band-Aid was not enough," said Freeman, the Bruce Street owner. He said the previous owners were guilty of "a failure to maintain the property in a satisfactory fashion."

Despite the constant maintenance aggravations, Lee Gardens and Arlandria tenants have a determined loyalty to their community. On a warm day, the dusty lawns that had once been lush grass are filled with children kicking

balls and playing games. Salsa music blares from open windows and car radios. Women carrying babies and groceries stop to chat with each other. A van filled with tortillas meanders through the complex selling the Central American staple.

"In the summer you can find people talking because that's what we do in our countries," said Rodriguez. "When we're here at home we like to hear music, cook, have fun, because we work very hard and we want to have fun."

While the effort to preserve their community continues, the future is uncertain for the tenants

Frances Mae Byrd, 43, is the daugh-

ter of a Georgia sharecropper who has lived in her apartment at Dominion Gardens for six years. She and her daughter, Jannie, 21, who has a six-month-old son, collect \$644 a month from the federal Aid to Dependent Children program. Meeting the \$410 rent is a monthly struggle, said Byrd. She said she could not afford the new rents of the renovated apartments. "I haven't bought clothes in so long I don't even know what's in the store," said Byrd, wearing a torn house dress.

She doesn't know where she and her family will be a year from now. □

# Patients Nobody Wants

## HONORABLE MENTION

by Rita Rubin and Olive Talley  
*Dallas Morning News*

Millions of Americans can not afford a doctor or the insurance to pay for one. The crisis of health care for the poor and uninsured has dramatically worsened in Texas, where an oil-based economy suffers a depression. For three months, reporters Rita Rubin and Olive Talley researched the growing crisis and its victims. Their five-part series in the April 25-30, 1987, *Dallas Morning News* focused on the people, institutions, legislative reforms, economics, and legal framework that shape the answer to the question of whether health care is a right or a privilege.

HOUSTON—Sheiks from the Middle East, businessmen from South America and some of America's wealthiest routinely fly to Texas for its state-of-the-art diagnostic and medical treatment facilities. But for more than three million Texans, there is little hope of reaping any benefit from the state's internationally recognized health-care achievements.

These Texans are the poor or uninsured, or — worst of all — both. These are the patients nobody wants. Their numbers always have included the traditional health-care needy: the laborer in the Rio Grande Valley, the pregnant teen-ager in rural East Texas, and the urban single mother.

And increasingly — experts say alarmingly — the group also is embracing the "New Poor," the erstwhile oil field roughneck in West Texas and the one-time office worker in Houston, neither of whom now has a job. Because insurance frequently is tied to employment, the plummeting Texas economy

has slammed the door to basic health care on many who once took it for granted.

"Statewide, you're seeing people who never ever needed the public system, and they need the public system now, and they don't know how to use it," said Dr. Ron Anderson, a member of the Texas Board of Health and president of Parkland Memorial Hospital in Dallas.

"Right now, we have a change in ethnic mix at Parkland, because we have a lot of white, blue-collar workers out of work," Anderson said. "I think it's a direct reflection of the economy."

In 1985, the most recent year for which information is available, only Oklahoma and Arkansas had a higher proportion than Texas of residents without health insurance, according to the Employee Benefit Research Institute in Washington.

An Urban Institute analysis indicates that those three states and Louisiana account for the greatest regional proportion of uninsured residents in the nation. Both institutes estimate that more than one in five Texans in 1985 did not have public or private health insurance; nationally, only one in six didn't have health insurance.

While Texas' new poor, or unemployed, may be the most recent phenomenon to stretch the limits of the state's indigent health care system, there are at least two other factors: Texas' largest industries, such as oil, construction and agriculture, are among the least likely to offer health insurance, and the state's eligibility criteria for Medicaid, a public health insurance program, are

among the most restrictive in the nation.

Meanwhile, experts say, the spread of AIDS, the aging of the population, and technological advances that save lives that once would have been lost all contribute to the number of people unable to pay for health care.

Without changes in the way health care is financed, said Arthur Caplan of New York's Hastings Center, a medical ethics think tank, "It's a recipe for disaster."

## The Hospital of Last Resort

by Olive Talley

**GALVESTON**— John Sealy Hospital is the mecca of medicine for the sick and poor in Texas. They arrive hourly for the help that no one else is willing to provide. So many patients are rejected by other hospitals across the state that the nearly 100-year-old University of Texas Medical Branch institution is a maze of humanity.

In the pediatrics clinic, runny-nosed, giggling children climb over their mothers' laps, chairs, and anything else that gets in their way of play. Parents take turns pacing the floor with crying infants.

Chatter fills the hallways. Nurses in green surgical pantsuits maneuver wheelchairs and hospital beds through the green-and-beige hallways like big-city taxi drivers, artfully dodging elderly patients who slowly shuffle through the narrow halls.

In the cancer clinic, 27-year-old Kris Humphries and his wife squeeze their small frames into a brown vinyl recliner where he must sit for the next hour while a machine pumps cancer-fighting chemicals into his veins.

A dizzy, aching Charles Martin stretches out on a chest-high table as a machine shoots into his neck X-ray particles that he hopes will shrink a hard lump there.

Dozens of others wait their turn behind Martin.

Patients — needy from all over Texas — sit and stand jammed together at the pharmacy. They wait hours to get prescriptions filled for free.

"Business is booming — we've still got wall-to-wall poor people," said Edward T. Wimberley, director of the de-

partment of social work at the University of Texas Medical Branch at Galveston, which operates John Sealy.

Some come out of tradition: This is where their relatives have come for decades. Others arrive after hospitals or counties closer to home have rejected them because they don't have money.

Despite passage two years ago of legislation designed to help poor Texans in medical need, "a lot of people who fall through the cracks still come to Galveston," Wimberley said. "I can't say for sure, but they [other health care providers] must do a billfold biopsy on the spot and send them down here."

Wimberley ought to know. His staff of 50 social workers is called whenever a patient has no money to pay for food, lodging or transportation. The calls are frequent.

Blanca Sanchez, 37, and her husband, Andres, 39, rode for 12 hours on a bus from Crystal City to Galveston the night of Feb. 3. On arrival, they did not have enough money to pay for meals. They would have to stay two weeks.

While doctors at John Sealy operated to remove a tumor at the base of the cannery worker's skull, social workers rounded up food coupons for the hospital's cafeteria and nearby fast-food restaurants for Mrs. Sanchez.

Mrs. Sanchez, a soft-spoken mother of three, considers the help that she and her husband got from John Sealy a godsend.

"I know God is with us," Mrs. Sanchez said one day in February as the couple prepared for the 12-hour bus ride home. "I thought I was going to lose him [her husband], but he gave us a miracle."

Last year, Wimberley's social workers helped 31,000 people such as the Sanchez family. At times, the social workers finagle money — often less than \$20 per person — from the patient's home county to help pay for food and transportation during the Galveston visit.

Finding housing for outpatients and their families, Wimberley said, is a bigger problem. Many are offered housing in the Salvation Army shelter or at cheap, run-down boarding houses that show the lashing of the Gulf Coast's storms and years of disregard.

But sometimes there just isn't enough help to go around, said Wimberley. "These people have enough knock-down, drag-out, big-time troubles to keep 125 social workers real busy," Wimberley said. "We do the best we can."

The influx of the poor, abandoned by local governments and hospital districts throughout Texas, has swamped the Galveston hospital. Hospital administrators say they are forced to take action against counties to make them comply with new laws that define their responsibility for the medically needy.

RHONDA FOUNTAINN WAITS AT HOUSTON'S BEN TAUB HOSPITAL. SHE HAD A CRUSHED KNEECAP AND WAS TOLD SHE HAD TO WAIT TWO HOURS FOR HER PRESCRIPTION.



"We're just overwhelmed," said Dr. James Guckian, vice president for medical professional affairs at the University of Texas Medical Branch at Galveston.

More than 192,000 patients were treated in the hospital, its emergency room and its outpatient clinics during fiscal year 1986, according to figures from John Sealy.

The statistics reveal little of the suffering and hardship — financial and emotional — that forcing patients to travel hundreds of miles for treatment can bring, administrators say.

John Sealy's patients last year came from 210 of the state's 254 counties. And two-thirds of them never paid a dime.

Helen Farabee, who was chairwoman of a state task force on indigent health care, said John Sealy must assume a higher responsibility for the poor than other hospitals and counties because it is the only state-financed, full-service hospital in Texas.

"But you have to modify that and see how much responsibility is realistic," she said.

The hospital spent \$93.2 million last year to treat patients who could not pay — \$5.2 million more than the state appropriated to fund hospital operations in 1986, according to hospital records.

An analysis by the Washington-based Urban Institute and commissioned by the Dallas Morning News shows that nearly 1.4 million Texans without medical insurance meet the federal definition of "poor." In 1985, by that definition, a family of four was considered poor if it earned \$10,989 a year or less.

"Although there is a general perception out there that we're the state hospital dedicated to indigent care, one hospital — no matter its size — could not take care of all the indigents in Texas," said Dr. Alvin LeBlanc, vice president for hospital affairs at UT Medical Branch.

"We're trying to retool the system," LeBlanc said. "We're saying it's dumb for a person to come here from Jefferson County with the flu when they don't have a place to go because they can't pay."

The system LeBlanc wants to change was set up in 1985 to provide medical care for the poorest of the poor in Texas. The legislature ordered counties without hospital districts to set aside 10 percent of their general tax revenues to pay medical and hospital bills of their indigent. At a minimum, counties are required to pay up to 30 days' hospitalization or \$30,000 — whichever comes

first — for any single, unemployed person who made \$75 month or less. A family of four, for example, could earn up to \$221 a month, based on the eligibility criteria.

But many still aren't being treated in their own counties. The burden, refused by some counties, has fallen on John Sealy and other big public hospitals.

At the same time, state funds for John Sealy Hospital were cut \$20 million last year. And LeBlanc anticipates further reduction because of the state's financial problems.

"We'd like to see primary care better developed at the county level," LeBlanc said, leaving the more difficult, more specialized cases — including trauma cases — to the Galveston teaching hospital.

To that end, John Sealy administrators are asking counties and hospital districts to sign patient care contracts. Under those agreements, the hospital treats the counties' patients for a fee, which is calculated on a percentage of John Sealy's costs for treating the counties' residents during the previous year.

Galveston County Judge Ray Holbrook saw the changes in John Sealy's policies coming. "They're in a tight squeeze financially, so they're trying to squeeze as much from the counties as they can," said Holbrook.

Galveston County has referred its poor to John Sealy for nearly 17 years, but Holbrook said the county has never paid more than \$300,000 for their care.

Last year, more than 17,000 Galveston County indigents were treated at John Sealy at a cost of \$16.5 million, UT Medical Branch's figures show.

The hospital has proposed a \$1.7 million contract with Galveston County. Although it is more than three times the annual amount paid in the past, Holbrook said his county and dozens of others in the southeast Texas region that relied heavily on John Sealy in the past have little choice but to pay.

The disagreement, Holbrook and other county judges say, is that the counties' responsibility extends only to those who live at, or below, one-quarter of the federally established poverty line. John Sealy is pushing them to assume responsibility for a "vast wasteland of people out there" who have slightly higher incomes who can't pay, he said.

Holbrook and others say the counties simply can't afford to do that. They fear if they don't sign such contracts, though, John Sealy will limit the number of

patients from their counties and start turning people away.

If that happens, "there's going to be a revolution," Holbrook said.

"I think people will be out on the streets, knocking on the doors of the county courthouse and city hall, and they're going to be turned away by many places," LeBlanc denies that John Sealy Hospital boycotts patients, but he admits that admissions are tighter. LeBlanc said he has told his staff to accept patients if there are beds available, if the patient would be valuable to the educational program and if the transferring facility is incapable of handling the problem from a medical point of view.

Jefferson County commissioners signed a three-year contract to pay up to \$1.7 million a year for indigent patients from that county. The fee was based on the \$6.5 million in unpaid bills for more than 7,300 patients from Jefferson County, John Sealy's figures showed.

If John Sealy is getting tougher, hardened admission policies will not apply to individuals who walk in off the streets or show up unexpectedly at the emergency room, LeBlanc said. If the patient has no resources, though, John Sealy will be looking to the counties and hospital districts when it comes time to pay the bill.

Helen Farabee, of the state task force, said she supports John Sealy's innovations, provided patient care is not sacrificed. In addition, she said, John Sealy should remain flexible with those counties that do not consistently "dump" on the hospital and that have limited finances.

"I think it's acting appropriately to explore what role it can play, as Parkland must explore with counties around it," Farabee said, referring to efforts by Dallas County's Parkland Memorial Hospital to sign obstetrics contracts with outlying counties that "dump" patients on Dallas County.

"John Sealy cannot go on absorbing the . . . population explosion," she said.

As of April 10, John Sealy had signed contracts with 24 counties, mostly in southeast Texas, for care of poor, uninsured patients. Nine counties agreed to qualify anyone who meets the federal definition of "poor." Eighteen contracted for obstetrics services in which circuit-riding doctors from John Sealy visit patients at clinics in their home county and deliver their babies in Galveston.

Said LeBlanc: "I can assure you . . . the patient is not going to lose out of this." □

# The Death of Vinson P. Harris

By Sally Jacobs  
NEWS AND OBSERVER

*From the spring of 1986 to the summer of 1987, reporter Sally Jacobs probed the curious circumstances surrounding the death of a prisoner en route to a federal prison. She located prisoners who would talk about what happened on that fateful bus ride; she filed Freedom of Information Act requests with the U.S. Bureau of Prisons; and, with support from News & Observer editorials, she pursued the lackluster federal investigation which dragged on for nine months before a grand jury indicted anyone with a crime. What follows are excerpts from several of her stories.*



**MARCH 12, 1986**

Last week Vincent P. Harris was resigned to his future.

Although he faced a 20-year federal prison sentence for bank robbery, he hoped he would only have to serve half that time. But Harris, 31, a veteran of state prisons, never reached the federal prison in Lewisburg, Pa., where he was ordered to serve his sentence. Seven hours after boarding a federal prison bus in Charlotte, he was pronounced dead at the Durham County General Hospital.

What happened during those seven hours is unclear, much of it shrouded in the secrecy of investigations being conducted by the Federal Bureau of Prisons and the FBI. But many state officials have their own ideas.

Some officials say they have been told that Harris died shortly after a tape or Ace bandage was tied around his

mouth, possibly after a disturbance on the bus. A state assistant chief medical examiner, who performed the autopsy, tentatively has concluded that Harris died of asphyxiation. Other state officials say they do not believe excessive or inappropriate force caused the death.

Harris' relatives, who live in Charlotte, have their own views. "I think he was suffocated," said Virginia Crawford, one of Harris' two sisters. "I think he was killed. He was shackled and handcuffed and he couldn't defend himself."

Federal officials, in whose custody Harris had been placed in the Mecklenburg County jail, will say only that Harris died at 5:27 p.m. They declined to say how or where he died.

The U.S. Marshal for the Charlotte area said his deputies had recorded that Harris was calm and uncomplaining on March 4. About 10 a.m. the deputies placed Harris, along with five other pris-

oners, on the bus in the custody of Bureau of Prison officials.

"Harris was in good condition," said Max E. Wilson, the U.S. Marshal for the Western District. "I wasn't there. I have no way of knowing what happened."

Harris was transported from Butner to Durham County General Hospital by the Butner Rescue Squad, hospital officials said. He arrived at the hospital at 5:08 p.m., "on basic life support systems," said Bernard R. Kingsley, the hospital's director of marketing. "He came to us in critical condition, but I would say it was irreversible at that point."

A hospital official who asked not to be named said Harris had been admitted under a pseudonym, which law enforcement officials occasionally do to escape media attention. Prison officials, however, did not provide hospital staff with Harris' real name as they usually do in such cases, the officials said.

Harris was declared dead 20 minutes after arrival.

The FBI and Bureau of Prisons are conducting their own investigations. The results will be given to U.S. Attorney Samuel T. Currin of Raleigh.

"All federal officials are mystified about why this inmate died," Currin said. "It is a mystery to me, it is a mystery to the people at Butner as to why he died."



**MARCH 26, 1986**

Dr. William Oliver has tentatively ruled that the manner of Vincent P. Harris' death was homicide. "What that means is he died as a result of an act by another person," Oliver said. "And that means that the person meant to take the action he took. He may not have meant to kill the person, but he meant to do what he did."

Officials and others involved in the case have speculated that Harris may have died when guards wrapped an Ace bandage around his mouth after a disturbance. Some sources said that federal officials told them Harris was shouting on the bus.

Oliver said a six-inch wide Ace bandage was wrapped around Harris' mouth and once over his head. Duct tape, he said, was placed on top of the bandage to hold it in place.

Samuel T. Currin, U.S. attorney who is coordinating investigations being performed by the FBI and the Bureau of Prisons, declined to comment on Oliver's findings.

"You can certainly draw all kinds of conclusions from a statement like that, but I would not want to draw a conclusion at this time," Currin said. "It's a very sensitive matter, and I want to wait until all the facts are before me."

**APRIL 27, 1986**

It started when a federal prison officer accused inmate Vincent P. Harris of hitting

him on the head with his shoe during a strip-search in Charlotte, N.C.

It continued throughout a lengthy prison bus journey as the officer repeatedly ordered Harris to ask permission to go to the bathroom, according to two inmates who were on the bus. With help from other guards, the officer chained Harris to the seat and, finally, in a moment of pique, wrapped his face in an Ace bandage and secured it with duct tape, the two inmates said.

And it culminated as Harris — handcuffed, shackled at the feet and chained to the bus seat — raised his bound hands urgently, convulsed three times and slumped to the left side of the seat. A dozen prison officials looked on, some of them laughing among themselves, as

Harris gradually asphyxiated in Butner, N.C., according to the two inmates. "It was like [the officer] was demonstrating to other staff members that this is how to deal with an unruly individual on the bus," said Morris W. Kendall, one of 13 inmates on the bus.

Kendall and fellow inmate George E. Harp gave their accounts of Harris' death March 4 in separate interviews with *The News and Observer* last week at the Federal Correctional Institution in Lewisburg, Pa. Kendall, 34, of Wadesboro, N.C., and Harp, 51, of Vidalia, Ga., concurred on most details of the incident.

They say Lt. Gerry G. Dale, with frequent help from one of the other four officers on the bus, taped Harris' face after orchestrating the harassment that led up to his death. They say they gave their account to several federal officials weeks ago.

U.S. Attorney Samuel T. Currin of Raleigh, who will decide with the U.S. Department of Justice whether to seek indictments in the case, also declined to respond. Although Currin said Thursday a decision might be several more weeks in coming, he said he did not think the investigation was dragging.

"Frankly, I think the investigation has proceeded at a rather fast pace," he said. "Especially when you consider all the implications that are involved."

Harris' death trip began in the holding tank at the U.S. Marshal's office in Charlotte. There, a half-dozen inmates waited for the bus from Talladega to take them north to various prisons.

One by one the inmates were taken out of the cell, stripped and searched, their feet shackled, and their hands cuffed and tied to a chain around their waists.

After being searched, Harris, a large black man, told Harp, "That lieutenant [Dale] accused me of hitting him in the head with a shoe, and he said if I did it again I'd be in bad trouble," Harp said in the interview. "He was amazed . . . he said, 'I didn't hit him with a shoe.' And I'm sure he didn't because I've been in prison long enough [to know that] if you hit a guy with a shoe, it's more than that. They don't tell you you're going to be in trouble."

Once on the bus, most inmates se-

*One by one the inmates were taken out of the cell, stripped and searched, their feet shackled, and their hands cuffed and tied to a chain around their waists.*



lected their seats. But Dale made Harris sit directly behind the driver. Harris got up and headed for the toilet soon after the bus left Charlotte. Dale ordered him back to his seat.

Harris stopped and said he had a kidney problem, had recently had an operation and had to go to the bathroom every hour. Dale, his voice rising, told Harris he could not go to the bathroom without permission and again ordered him back to his seat.

After an increasingly heated ex-

officer, the only black officer of the four, held Harris' shoulders, Dale and another officer — one that both inmates described as red-haired and plump — slipped the chain under Harris' arms, around the seat back and secured it with a padlock, the two inmates said.

Harris became angry while being chained to his seat, Harp and Kendall said. "He told Dale if he wasn't handcuffed . . . that it would be a different story," Kendall said. "I guess he meant he would defend himself, that he

the toilet, this time in the company of all four officers on the bus and under the gaze of several Butner officials. The bus officers stood at the door of the toilet and soon told Harris he was faking, according to Kendall.

After Harris was again chained to his seat, Dale began tearing large strips from a roll of duct tape before Harris' face. Then, with the help of the red-haired officer, he began wrapping an Ace bandage around Harris' head — several times around the head length-

PRISON GUARD GERRY A. DALE, CENTER, CHARGED IN THE DEATH OF INMATE VINSON P. HARRIS HEADS FOR A COURT APPEARANCE IN

RALEIGH. DALE WAS RELEASED AFTER THE HEARING. WITH DALE IS HIS WIFE, JOY, AND ATTORNEY, JAMES L. BLACKBURN.



change, "Dale yells again, 'I told you to get in that seat,'" Harp said. "So Harris looked at me and shrugged like, 'What can I do?' Harris just gave up and sat down." Dale ordered the bus to stop on the side of the road at a place Kendall thought was near Greensboro. Harp recalled that after Harris asked for permission, Dale grabbed the chain around his waist and escorted him to the toilet with another officer.

When Harris was unable to urinate after a few minutes, they told Harris he was "faking it," according to Kendall, and ordered him back to his seat.

As the other inmates looked on, Dale began to chain Harris to his seat. As one

wouldn't let him treat him in a manner such as that."

After the chaining, Harp said, Dale shook his finger at Harris and said, "One word, you understand me? One word and I am going to tape your mouth." And he shut the door and cranked up the bus, and we proceeded to Butner."

After unloading five inmates at Butner, as scheduled, Dale stood talking with a handful of Butner employees, occasionally glancing into the bus at Harris. Kendall said Dale then ordered all the inmates except Harris to move to the rear right side of the bus.

For Harris, there was another trip to

wise, several times around the neck, over the chin, and gradually over the mouth and eyes — Harp and Kendall said.

"He wrapped his whole face up," Harris said. "everything but his nose, a little place for his nose. It was just like a mummy."

Then Dale started wrapping Harris' head with the duct tape, the inmates recounted.

"He's making a big production for the people outside, and he's really performing now," Harp said. "It was his show. For the guys outside, up until they saw they had killed a guy, it was a lot of fun. Everybody outside was smiling and

talking with each other. It was kind of a festive atmosphere."

The crowd, now about 10 prison officials, sobered abruptly, however, as Harris began jerking his body and moving his head in vigorous upward motions. Other inmates began yelling at the officers to free Harris, although none of the inmates or the officers made a move to aid the straining body, Harp and Kendall said.

"I said a few words," Kendall said, "but I really wasn't trying to be next, you know."

"Harris made three jerking motions, I mean convulsive jerking motions with his body and his head at the same time, approximately three times, and then he went into a slump and his head kind of lost the stiffness to it. It just kind of collapsed. . . ."

The tape was removed from Harris' face, his body taken off the bus and put on the pavement. The chains, shackles and handcuffs were hurriedly removed. Medical personnel tried to revive him with emergency measures — pumping his chest, applying electric paddles to his body and injecting a hypodermic needle into his chest, Harp said.

Several minutes after he was taken off the bus, Harris was taken to the hospital by the local emergency medical team.

At 5:27 p.m. he was pronounced dead at the Durham County General Hospital.

The FBI and the Bureau of Prisons, which are investigating the incident, say their reports should be finished in several weeks.

Those reports will be given to the U.S. Department of Justice, which will assume responsibility for the case with Currin, the U.S. attorney in Raleigh.

The Bureau of Prisons is a division of the United States Department of Justice.



MAY 31, 1986

U.S. Rep. William W. Cobey Jr. has asked federal officials to explain why they are taking so long to complete their investigation into the March 4 death of federal inmate Vinson P. Harris.

Cobey, a freshman Republican from Chapel Hill, has sent a letter to federal agencies investigating the matter even though his 4th Congressional District does not include Butner, where Harris died of asphyxiation.

"It does appear it has taken quite a bit of time to look into the facts of the case," Steven B. Long, Cobey's press secretary, said Friday. He wanted to give the agencies involved the opportunity to give their view of the investigation."

JULY 29, 1986

The mother of a federal inmate who suffocated on a prison bus in Butner has given the U.S. Justice Department permission to exhume her son's body, apparently to reconstruct the position of the tape and bandage that asphyxiated him.

State chief medical examiner Dr. Page Hudson said Monday that federal

officials contacted him last month to discuss the possibility of exhuming Vinson P. Harris' body, which is buried in a Charlotte cemetery. Hudson, whose office performed an autopsy on Harris, said officials asked him to explain some of the autopsy's findings and the logistics of digging up the body.

Federal officials, who have remained virtually silent throughout the nearly five-month investigation of the case, declined to comment Monday on a possible exhumation.

The case "is under very active consideration," said John V. Wilson, assis-

tant director of public affairs for the Justice Department. "We will not discuss details of the investigation."

Asked if "very active consideration" signified closer scrutiny than "under investigation," which is how officials have described the case in the past, Wilson said that it did.



AUGUST 26, 1986

As a federal grand jury assembles today in Raleigh to consider the case of a prison inmate who suffo-

cated on a federal prison bus in Butner in March, two additional inmates who were on the bus have come forward with accounts of the incident.

The inmates, both serving time at a federal prison in Petersburg, Va., said Monday that Vinson P. Harris was handcuffed and chained to his seat when a prison guard wrapped his face with an elastic bandage and duct tape. They said Harris, 31, gasped briefly and gestured in a pleading motion before his head fell to the side.

The inmates, who gave their accounts in separate telephone interviews, said it was bus supervisor Lt. Gerry D. Dale who wrapped Harris' head with help from another officer.

Harris "didn't have a chance," inmate Ronald Dean said. "It was the worst thing I've seen in my life."



DECEMBER 19, 1986

A federal grand jury in Raleigh indicted an Alabama prison guard Thursday on two counts in connection with the suffocation death of prison inmate Vinson P. Harris.

Lt. Gerry D. Dale, a federal prison officer since 1980, was charged with violating Harris' constitutional rights resulting in his death, and with assault resulting in serious bodily injury. He could face a maximum sentence of life in prison.

The indictment accuses Dale of "applying an elastic bandage and duct tape over substantially all of [Harris]' head and face, . . . resulting in the death of Vinson Preston Harris." Harris, a convicted bank robber from Charlotte was on a prison bus in Butner when the incident occurred March 4.

*Harris gasped briefly and gestured in a pleading motion before his head fell to the side. "He didn't have a chance," inmate Ronald Dean said.*

Dale, who lives in Oxford, Ala., and works at the federal prison in Talladega, Ala., could not be reached for comment.

Harris' relatives in Charlotte said they were pleased with the grand jury's actions. "I feel good about what they did and it makes me happy, but it doesn't bring him back," said Annie M. Harris. "That was my son and nobody can understand unless they have been through it."



#### MARCH 26, 1987

An Alabama prison guard charged in the suffocating death of a federal inmate pleaded guilty Wednesday to assaulting the inmate after prosecutors agreed to drop a more serious charge that carried a life sentence.

The guard, Gerry A. Dale, of Oxford, Ala., faces a maximum sentence of 10

years in prison. He was released and is expected to be sentenced within several weeks.

U.S. Attorney Samuel T. Currin of Raleigh, whose office investigated the incident, said he had agreed to drop the more serious charge in exchange for the guilty plea because he felt it was "in the best interest of justice."



#### JUNE 16, 1987

A former Alabama prison guard who suffocated a federal inmate last year was sentenced to nine years in prison Monday.

The sentence, one year less than the maximum he could have received, was handed down in federal court after a daylong hearing in which many details of the inmate's death were described for

the first time in public by federal investigators.

Gerry A. Dale, a former guard at the federal prison in Talladega, Ala., stood briefly in New Bern's federal courtroom and said he was largely a product of the prison in which he had worked. But he also said he understood that what he did was wrong.

"I only wish I could turn back the hands of time," Dale said, his hands clasped behind his back as he stood before U.S. District Judge Terrence W. Boyle. "But I know that is impossible. I am sincerely sorry."

Federal prosecutor Mark B. Harmon declined to say when Dale might be eligible for parole. Some federal officials, however, predicted Dale would serve about three years before being paroled. □

# Ruins for Rent in the State Capital

## HONORABLE MENTION

by William Rabb  
and Jimmie Gates,  
*Jackson Daily News*

Mississippi is one of only two states where renters have no rights to protect them from the whims and follies of their landlords. Jackson, the state's capital city, had only one inspector to enforce its housing code for 80,000 dwellings — until the *Jackson Daily News* ran a four-day series detailing the area's deplorable housing conditions. City council members responded with site visits, two more inspectors were hired, but many problems remain, including the lack of a renter's bill of rights. The first article of the November 9-12, 1986 series, by William Rabb and Jimmie Gates, appears below.

JACKSON — Jackson is infested with hundreds of substandard rental homes that will deteriorate further unless the city hires inspectors, enforces housing codes and encourages extensive redevelopment from the private sector, a three-month investigation by the *Jackson Daily News* shows.

Too many with too little live in deplorable conditions, and city government has too often looked the other way.

A four-day series that begins today will also show:

- ◆ Only bare-bones, minimal efforts are made by city officials to inspect and improve low-income rental housing in neighborhoods in west and central Jackson.

- ◆ The problem in Jackson is worse than in some larger cities — and it's spreading as houses age.

- ◆ Renters have much less legal protection in Mississippi than in other states.

- ◆ In Jackson, 10 times more federal money is spent to renovate owner-occupied homes than is spent to rehabilitate or build new rental property.

- ◆ No more public housing is being built as federal money is cut.

- ◆ Private-sector help from several organizations is available, but so far has provided very limited renovation in Jackson.

Ed Stevens, director of the city department that inspects houses, and some landlords say the problem is here to stay — it simply isn't feasible to repair housing that doesn't make much profit in the first place.

Besides, "a shack like that is better than no home at all," Stevens said recently.

Critics, including at least one city council member and two former city housing officials, say the landlords who own scores of these tiny, low-income homes are prominent lawyers, insurance agents and real estate managers who have contributed to election campaigns of city hall candidates. Enacting legal safeguards and enforcing the city's housing code is politically unpopular, they say.

Whatever the reason, it's clear that the quality of rental housing in Jackson is left almost entirely up to the landlords.

## CITY EFFORTS MINIMAL

The city Community Improvement Department that oversees housing inspections has operated with one inspector for almost 80,000 homes for three years and with only two inspectors for a 16-month period in 1985-86. Almost every other Southern city the size of Jackson has at least six inspectors, surveys show.

Reports of campaign contributions filed at city hall show one of the largest landlords donated money to Mayor Dale Danks Jr.'s re-election in 1985. Danks and Stevens deny that landlords influence the city's inspection policy.

"I don't recall any property owner ever asking me to interfere on his behalf, because I wouldn't," Danks said.

"Man, this is bad. How'd y'all find this place?" Stanley Williams, the city's lone inspector, asked two *Daily News* reporters on a recent tour of the West Side subdivision.

Stevens, who is Williams' supervisor, warns that substandard conditions are worsening because of dwindling amounts of local and federal funds to upgrade housing. But Stevens said his

department finds itself choosing the "lesser of two evils" — "Which would you rather have, a home that's in bad shape, or no home at all?"

Williams must spend most of his time condemning abandoned structures and rarely has the hours to examine occupied dwellings. Other than telephoning landlords about violations, little is done to enforce the 1985 Jackson Housing Code and catch deterioration on the front-end before homes require thousands of dollars in repairs, Stevens said.

Landlords who don't make repairs are not fined or penalized as prescribed by the housing code because the legal process takes months and would end up costing the city more in legal fees than the fine itself. Stevens said court and city legal officials disagree with him.

The bottom line, Stevens said, is that forcing repairs costs landlords money, which raises rents and forces tenants out.

"The problem is there's just no money to be made in it anymore," said Joe Ellis Joseph, who owns more than 30 rental homes and renovated several of them. "You can either fix the places up out of pride of ownership and lose money, or you can let them go and make what you can."

While the costs of repair materials and labor have risen considerably over the years, tenants' incomes haven't, he said. Rents often won't cover the cost of repairs, but rents can't be raised. "These people are paying the maximum amount they can," he said.

Billy Brunt of Jackson, who owns seven dilapidated rental homes on Gum Street, said he would love to renovate, but it would cost too much. He can't go to the bank and borrow money that might cost him \$500 a month to repay when he is making only \$200 a month from rent, he said. "I don't raise the rent because of the type of area the houses are in," he said.

Brunt agreed that the city could strengthen code enforcement to prevent unscrupulous landlords from taking advantage of powerless, poor renters. "I believe there should be stronger guidelines for what is defined as adequate housing" he said. "The standards now are so low."

Other landlords who own scores, even hundreds, of low-income rental houses declined to comment to letters and telephone calls by the *Jackson Daily News*. These include: Jackson attorney M.A. Lewis, Jr. who has an office in Deposit Guaranty Building downtown; Zachary Taylor, Jr., owner of Taylor Insurance Agency in Deposit Guaranty Building; his brother Kirk Taylor, who is in the printing business; real estate broker Seymour Schwartz, who operates Schwartz Realty Co. in Jackson; and real estate developer John Hart Asher.

"Landlords tell me that as soon as they fix something, these people will tear it right back up and start complaining again," Stevens said.

Debra Bell, a University of Mississippi property law professor who has worked for tenants' rights much of her career, and some state legislators say such logic is flawed. They say many landlords can afford to make the minor repairs needed to keep a home livable before major repairs are needed, and affordable vacancies can be found for many renters.

Unlike nearly all states, Mississippi has no law prohibiting retaliatory eviction of tenants who complain about conditions to authorities. Bills to enact such laws have died in the legislature each of the last 10 years.

Jackson City Council members voted down a warranty of habitability ordinance this summer, saying it would be too expensive to enforce.

ROSIE MARIE WHITE CAN SEE THE GROUND THROUGH TWO 3-FOOT-WIDE HOLES IN THE FLOOR OF HER HOME. SHE PAYS \$85 A MONTH TO RENT THE 3-BEDROOM HOUSE.



## THOUSANDS OF SUBSTANDARD HOMES

More than 30,000 homes in Jackson are defined as substandard, according to 1986 U.S. Census figures and data from the U.S. Department of Housing and Urban Development.

Memphis, Tenn., a city almost three times the size of Jackson, has only about 20,000 homes that meet the HUD definition of substandard.

Substandard is defined by HUD as meeting one of four criteria: lacking adequate plumbing; crowded or more than one person per room; rent is more than 30 percent of tenant's income; or an owner-occupied home built before 1939 with a value below the \$20,000 to \$35,000 range.

About half of the 30,000 total rental units in Jackson are considered substandard. Another 15,000 owner-occupied units are considered substandard. Experts say these numbers rise each year as housing ages.

The tax reform bill signed into law by President Reagan that ends rental properties' tax shelter status could also hurt low-income renters. Landlords may use the law as a reason for raising rents, because for the first time rental property will have to become self-supporting, experts say.

Nationwide, the number of homes defined as physically inadequate — 7.6 million — remained constant from 1981 to 1983, HUD reports. The definition includes homes that lack complete plumbing, sewerage, heating and kitchen facilities and/or have electrical problems. The median amount paid for rent in the United States has risen from 22 percent of income in 1972 to 29 percent in 1983, HUD reports.

Under the Reagan administration, funding for federally assisted housing has dropped from \$27 billion in fiscal 1981 to \$9.9 billion in fiscal 1986.

If houses are allowed to deteriorate unchecked, nearby streets are quickly affected and fall victim themselves as property values tumble and owners leave, Bell said.

## PUBLIC BUILDING STOPPED

No public housing or federally assisted homes have been built in Jackson since 1983, and no more are planned, HUD reports. The shortage in Jackson is

so great that the number of people on waiting lists actually exceeds the number of people in the nearly 2,000 public housing units. Residents wait as long as three years to get into one.

All federal money for public housing construction may be cut next year under a bill passed by the U.S. House this past session and up for debate in the Senate next year. The bill would halt money for new construction until significant amounts of existing low-income housing are renovated.

There is a growing feeling in Congress that billions of dollars spent in the past on public housing have failed to provide the poor with decent places to live, and many public housing projects have turned into permanent dilapidated residences, the *New York Times* reported this summer. Four of Mississippi's five congressmen voted for the bill. Fourth District U.S. Rep. Wayne Dowdy didn't vote.

At some public housing units in Jackson, such as Whiterock Apartments on Country Club Drive, repairs are slow, and crime remains a problem, residents say.

Other cities, such as Memphis and Jacksonville, Fla., are turning to renovation of existing housing instead of building new units. Low-interest loans are made to developers who will own and operate the complexes after renovation.

Although Jackson officials are channeling more Community Development Block Grant money to renovation of owner-occupied homes this year than in 1985, they haven't used any of the money for low-interest loans for repairs of rental housing. The city has relied

instead on a HUD program called Rental Rehab, which lost half its funding this fiscal year.

A loan program in Memphis, started years ago with federal grants, provides more than \$1 million a year as loans are repaid. The rehabilitation would continue for three years if federal funding ended, Memphis officials say.

## PRIVATE HELP NEEDED

As federal funding cuts deepen to reduce the huge federal deficit, private groups will be asked to provide more renovation and construction, real estate spokesmen and city officials say. The days of federal bounty are over.

Church-related groups such as Habitat for Humanity, People's Development, Inc., Operation Shoestring, and non-church related Neighborhood Housing Services this year have renovated or constructed about 31 homes in Jackson, all owner-occupied.

That many more are planned for 1987, but more private financing and donations are needed to really have an impact on inner-city neighborhoods, said Warren Yoder, director of Operation Shoestring. "We can't let our central-city neighborhoods die," he said. "We're going to stop it."

"The city can't afford to have mass inspections, and federal money isn't there to provide new housing. We've got to make a commitment to get more private funding involved," said Richard Ridgway, of Ridgway Realty Co. and president of the Jackson Board of Realtors. □

STAGNANT WATER FROM A BROKEN TOILET DRAINPIPE IS A CONSTANT COMPANION FOR BANKS STREET RESIDENT PATRICIA STOKES.



# Amnesty for Immigrants: Will It Work?

## HONORABLE MENTION

by Dallas Times Herald staff

From March 22 to 25, 1987, the Dallas Times Herald featured a comprehensive analysis of illegal immigration, the new amnesty reforms, and their impact on Texas and Mexico, employers and immigrants. The report included detailed guides on how to get amnesty, what the law covers, where immigrants live and work, and the history of U.S. immigration policy. Thousands of copies of the reprinted 28-page bilingual broadsheet have since been disseminated throughout the United States and abroad, and a four-member team at the Times Herald continues to follow immigration reform issues. What follows is excerpted from the original investigation conducted by editors Ernie Sotomayor and Cindi Craft and reporters Dudley Althaus, Richard Beene, Jeff Collins, Tom Curtis, Richard S. Dunham, Robert M. Feinstein, David Fritz, David Pasztor, Lisa Hoffman, and John McCormack.

DALLAS—Nobody believed it would ever happen. Paralyzed by bitter national debate, the immigration issue lay hopelessly deadlocked for years. But on November 6, with the strike of President Reagan's pen, the Immigration Reform and Control Act of 1986 became law. A nation of immigrant heritage drew in its welcome mat.

Immediately, questions — from employers, workers, illegal immigrants, minority groups and native citizens — began pouring forth. How will the law work? How will it change our lives? How can I apply for amnesty?

The struggle by a wealthy, immigrant land to decide who else should be allowed a chance to scale the summit has long driven Americans into soul-searching debate. Immigration, says Sen. Alan Simpson (R-Wyo.) is "a grueling, ghastly issue filled with emotion, guilt and racism."

Believing that the rising number of immigrants slipping illicitly into the country had made a mockery of America's right to select its new citizens, Congress last year passed the landmark Immigration Reform and Control Act, groping for the legislative equivalent of a reset button.

A powerful nation had lost control, legislators decided. Untold numbers of people were entering surreptitiously and siphoning off jobs and money while a growing number of Americans — most notably minorities and teenagers — could not find work.

The country as a whole agreed. While

more than 20 million people donated money to Save the Lady on her 100th birthday, opinion polls showed that four out of five Americans supported an all-out effort to secure the borders.

The act holds out the uplifting promise of citizenship to as many as four million illegal immigrants, mostly from Mexico but also from El Salvador, Thailand, Haiti, Poland, Iran, Israel, and countless other countries. If only half that number apply during the one-year amnesty period, they will easily dwarf the largest number of legal immigrants — more than 1.2 million in 1907 — ever admitted to the country in a single year.

But, for all its breadth, it appears almost certain the law will fall short of many of its goals. Weighed against history and subjected to the tortuous practical tests certain to stand in its way, the reforms appear unlikely to stop those determined to slip into the country.

In particular, the reforms will not dampen the desire for workers to leave Mexico, where the minimum daily wage is about \$2.90 and slipping daily as the peso devaluation continues. In the end, the porous 1,936-mile Southern border between the U.S. and Mexico may be patched, but not secured.

"As long as they have to continue trying to feed their families or flee for their lives, they're going to continue coming across the border," said Toney Anaya, former governor of New Mexico and an outspoken advocate for immigrant rights. "No law is going to prevent that."

## THE NEW LAW'S THREE GOALS

It is up to the U.S. Immigration and Naturalization Service to take the law, a blueprint drafted and passed down by congressional architects, and build programs. For reform to work, it must simultaneously do three things: Make amnesty accessible to up to four million illegal immigrants; try to purge the country of up to two million additional illegal aliens who don't qualify for amnesty; and convince 4.5 million employers across the country not to hire undocumented labor.

To stop the flow of immigrants, Congress instructed the INS to increase the number of Border Patrol agents by 50 percent; but the agency has submitted budget requests lower than Congress au-

thorized. As a result, the number of agents will probably increase by less than one third, and it will take two years to reach that level.

In addition, in writing the rules to govern both the amnesty and employer sanctions programs, the INS has crippled its own cause, critics from many quarters argue. The amnesty regulations are too strict, and may deter people from applying; and the sanctions regulations may be too lax, making it easy for employers to circumvent them if they wish to hire illegal labor, critics say.

Although the INS is scheduled to start looking for violators of employer sanctions beginning June 1, it will attempt to do so with almost no new investigators. Ultimately, the INS is supposed to double the number of investigators. But one INS official guesses that, with the time required for hiring and training, it will be two years before many of the new investigators are in place, and even then they may be "only a drop in the bucket."

Perhaps the harshest criticism has been directed at the agency's preparations for amnesty, which the INS calls "legalization." Just five weeks before it opens on May 5, the amnesty program was still far from being ready. The staff the INS needed to run the program had not been entirely hired, much less trained. Arrangements were being finalized for more than 100 special offices across the country to take applications.

Even if the machinery is in place on time, early drafts of regulations have convinced some that the INS will be so strict in granting amnesty — and the cost of applying may be so high — that many of the people Congress envisioned qualifying will not.

Living in the United States for more than five years and being able to prove it are different matters, some say, particularly for people who have cloaked themselves in anonymity to avoid the authorities.

Jesus Bustos believes he meets the requirements for amnesty, but is unsure if he can produce documents to establish his residency in Dallas, where he came 15 years ago to earn money for his family in the Mexican village of Rancho La Escondidita.



**TWO COLOMBIANS ARRESTED AFTER CROSSING THE RIO GRANDE INTO THE UNITED STATES ARE ESCORTED BY BORDER PATROL AGENT**

"I've got some papers, but I don't have all that they require," he said. "I had money order receipts, but I threw them away. It was trash. I tore them into little pieces."

Undaunted, Bustos has visited a lawyer, attended an immigration conference, and begun contacting employers to get letters confirming his residency and employment in the U.S. The alternative is returning to Mexico.

"There you don't make very much. You can't survive very easily," Bustos said. "I've got to risk it [identifying himself to authorities as an illegal immigrant]. If I don't risk it, I don't win anything."

The INS has built dozens of requirements into the regulations that may delay, or trip up applicants like Bustos. Along with the documents proving residency, for example, aliens must submit a set of fingerprints for a criminal record check, a medical examination report from an approved doctor, proof that they can support themselves without becoming a "public charge" and, where appropriate, proof that they have registered for the U.S. military draft.

Operating with scant official infor-

mation, those who believe they might qualify for amnesty have packed churches and schools to hear explanations of the new law. Amid the traded rumors and speculation, some who might have qualified have left the country, surrendering to fears that they could not meet the complex set of application rules.

#### **VOLUNTARY COMPLIANCE**

For employers, a different sort of nervousness has set in. Knowing little about the law except that they risk new fines if they don't comply, corner store owners and personnel directors of companies that employ thousands alike have clamored for information.

INS officials are pinning the success of sanctions on voluntary compliance, particularly since they will not have anywhere near the number of investigators needed to police the nation's 4.5 million employers.

The agency already has stated that, when enforcing sanctions, it will pay little attention to so-called "casual hires" — maids, gardeners and the like — and

also will spend little time policing small employers.

"We are not interested in fining or jailing people who violate the law," said Alan C. Nelson, the INS commissioner. "We will do that, obviously, as we must, but we hope that that can be a minimum. This is going to work because people want to make it work."

With a depressed Texas economy, the prospects of higher wages and increased government regulation have some area employers scorning the lofty goals of Congress in favor of business realities.

"I'm not so much concerned with the social or political issues," said Al Salgado, principal partner of Triad Marble and Granite, who said he had hired illegal aliens in the past. "I'll leave that to somebody else. I'm trying to make a living and this [law] is just another thing making it hard to do so."

One project foreman at a Dallas concrete company laughed softly at the thought of willingly following a law that could mean his business would suffer for lack of affordable labor.

U.S. Immigration and Naturalization Service officials believe, however, that competition within the business community will help force compliance. "I think competing businesses will report the hell out of [violators]," said Stephen Martin, INS Southern Regional Commissioner.

As it is, few area employers admit to hiring illegal aliens. And local and state associations representing the restaurant, hotel and construction industries insist that their members have never knowingly done so. At the same time, however, many employers admit illegal labor has played a crucial role in many Texas businesses.

"I think we'd all be kidding ourselves to say we don't hire them," Salgado said. "In the construction industry, everyone does it. We're just like anybody else. If they show up, we're going to employ them. The attraction is they want to work. They show up seven days a week if you want them."

The new immigration law's ban against hiring illegal workers poses a special problem for thousands of farmers and ranchers throughout Texas. Undocumented aliens — primarily Mexicans — have been plucking chickens, shearing sheep, feeding livestock, picking fruits and vegetables, clearing brush and punching cattle on farms and ranches for years.

By some estimates, illegal aliens make up as much as 50 percent of the

agricultural work force in Texas, where production and processing of food and fiber accounts for 20 percent of the state's jobs and income. They do some of the hardest, loneliest jobs for well below the minimum wage.

The prohibition against employing illegal immigrants will mostly hurt the smaller, independent farms and ranches, which can ill afford to hire hands at minimum wage or above. Some predict the law will push the strapped family farms that have survived this long closer to the brink of bankruptcy.

The new law does make winners out of growers of perishable fruits and vegetables who need to quickly harvest the crops before they rot. For the growers, it provides a plentiful labor pool by generously granting amnesty to thousands of illegal farm workers who can prove they worked the fields just three months a year between 1983 and 1985 or just 90 days before May 1, 1986.

If it works, the law will bring in an era of greater government regulation of the farming and ranching industry's hiring practices, said Elizabeth Whitley, executive vice president of the National Council of Agricultural Employers. The council represents several large fruit and vegetable growers. Along with that may come more assertiveness among workers and more frequent tangles with farm worker advocates.

Though the new immigration law gives undocumented farm workers cause for celebration, their union leaders see the overall package, with its expanded guest workers program, as a change that is at best a mixed and untested blessing.

"We were surprised that the legalization of farm workers got in there. They gave us a bigger break than regular folks," said Rebecca Flores Harrington, director of the UFW's Texas branch. "But essentially, I think it's a growers' bill. It creates another class of exploitable labor," she said.

It is the so-called "H-2" or guest worker program that has Harrington and others worried.

Growers contend the foreign laborers are essential because there are not always enough U.S. workers to harvest perishable crops. Critics, farm worker unions foremost amongst them, say the foreigners take jobs from domestic workers, depress wages and undercut union strengths. Further, the guest workers have traditionally been ready game for exploitation by their employers.

"H-2s are more attractive to growers

than people who are free. They come under permit and if they gripe or anything, they can't come back next year. The growers have their names and they can blacklist them. And of course, the growers break every contract they make with the H-2s," Harrington said.

#### RIPPLE EFFECTS OF THE REFORMS

As with any major revision of the law, the ripples set in motion by this one may have effects Congress did not intend:

◆ If the jobs that have traditionally drawn illegal immigrants to the country are no longer open to them, employers may have to choose between paying higher wages to attract legal workers, moving their businesses out of the country or closing down. The loss of cheap labor could eventually slow the country's overall growth by anywhere from \$20 billion to \$60 billion, depending on how effective the ban on illegal hiring is, according to a recent report prepared by the Federal Reserve Bank of Dallas.

◆ Facing possible fines or even jail for knowingly hiring illegal workers, many employers are likely to closely scrutinize job applicants whose names, accents or appearances seem foreign. Civil rights groups fear the result will be wholesale discrimination against foreigners — particularly Hispanics — by employers who decline to hire them either intentionally, subconsciously or out of misguided efforts to play it safe. One national Hispanic group estimates that 15,000 Hispanic job seekers may risk discrimination each week.

In New York City, some Puerto Rican workers who are U.S. citizens have been singled out by employers to document their legality, American Civil Liberties Union officials said. In California, Hispanic workers with work permits have called an immigration hot line number to complain they were fired for not having "green cards," which denote permanent residency. In some cases, employers fired workers because their green cards were not actually green, but the current colors of blue and white.

Attorneys specializing in employment law say the reforms may provoke a landslide of complaints because it gives employees a broader basis to file their cases, and it doubles the number of employers covered by prohibitions against national origin discrimination.



Under the Reagan administration, civil rights enforcement has reached "the lowest ebb in the last 50 years in this country," said Dallas attorney Jim Barber, who gave up practicing discrimination law three years ago because cases bogged down for years. "In spite of millions of dollars they [Justice Department officials] have to enforce civil rights, they have done damn near nothing."

The government's initial steps in establishing an Office of Special Counsel to handle discrimination complaints seem cautious, if not halfhearted, some critics said. In its recent budget recommendations, the Justice Department requested \$1.4 million and 30 positions for the Special Counsel office in 1987, and \$4.2 million and 60 positions in 1988. Some minority rights groups believe the figures are minuscule.

◆ Even the most optimistic agree that some number of people will continue to illegally enter the country after reform and will find work. Legally barred from jobs, some believe, they and any remaining illegal immigrants will become a subclass more deeply buried from sight than illegal immigrants are now, and will be even more vulnerable to exploitation and abuse from unscrupulous employers who risk hiring them.

◆ Canada, a historical haven for refugees like the U.S., already has been forced to tighten its own immigration laws as scores of people, panicked by the

changes here, seek sanctuary farther north. In the three months after the U.S. reforms passed, for instance, three times as many El Salvadoran refugees sought asylum in Canada as had the entire previous year.

Fourteen years ago, Canada had an estimated illegal population of between 50,000 and 250,000. Officials granted a general amnesty, which proved to be the most successful ever, and made it a crime to hire illegal workers. In all, 19,000 illegal aliens applied for amnesty.

Today, however, the country is believed to have 200,000 illegal immigrants. The employment laws have fallen into disuse after they proved too cumbersome to enforce.

◆ In Mexico, where money sent back from the United States is the country's second largest source of outside income behind oil, the reforms could deal a staggering blow to an already crippled economy. Illegal laborers now send back between \$2 billion and \$3 billion annually to the country, and to cut off that flow would devastate families, Mexican officials say.

The ranks of the unemployed will swell to distressing proportions as the aliens return to Mexico, where official government statistics measure the jobless rate at about 18 percent. Independent studies say as many as 40 percent of the nation's eligible workers are either unemployed or underemployed, earning

less than the government minimum wage. Already there are six million people out of work, and compounding the problem, another 900,000 Mexicans reach working age every year and try to squeeze into an already overwhelmed job market.

Many of the Mexicans who are kept out of the United States or return to their homeland will join millions of homeless people who are left helpless because the government has virtually no welfare system and few other public assistance programs, except minimal medical services.

Consider this: in 1982, Mexico's foreign income from petroleum imports totaled \$15.6 billion. As worldwide oil prices began slipping, the figure dropped in 1985 to \$13.3 billion. Last year it plunged to \$5.45 billion, and with prices near \$12 to \$13 a barrel, 1987's income is projected to be about \$4.9 billion.

With the current economic outlook, the remittances sent home by illegal workers in the United States play no small role in helping millions of families escape wretched poverty, especially since 105 percent inflation rates are constantly draining the peso's buying power.

Jesus Bustos, the Mexican worker in Dallas, sends home \$100 to \$200 a month to his wife, who lives with five children in a small village in the interior state of Guanajuato. The average farm wage in the area is about \$1.50 a day, or \$36 a month for working six days a week. The family's buying power more than tripled. To provide milk for her five children, Bustos' wife spends 4,000 pesos a week, or slightly less than \$4 — almost half a week's salary in rural Guanajuato. Bustos earns that much money in one hour.

"It is the same old problem with the United States," said one top Mexican official. "They just pass a law, act like we're not here, and expect the problem to go away. Well, this so-called problem has everything to do with Mexico, and we feel this requires a bilateral — not unilateral — approach."

The Immigration Reform and Control Act "will have some impact for a while," said Leonel Castillo, who headed the INS during the Carter administration. "And then in five, ten years, we'll be back with another major immigration reform bill. [Illegals] will come again. Simply because they have no choice." □

**JESUS BUSTOS PAYS A PRICE FOR LIVING IN THE U.S. "THE LAST TIME I WENT HOME," HE SAYS, "MY CHILDREN DIDN'T EVEN KNOW ME."**



# Prosperity's Broken Promise

by Steven Beschloss  
*Virginian-Pilot*

*For decades leaders in the rural South held onto the promise that they could bolster their economies by hitching their fortunes to basic manufacturing. Now those same industries are cutting jobs and moving offshore, and many communities are wondering whether they'll survive. For them, the promise of economic prosperity has been broken. To analyze who is, and who is not, sharing in the boom, business reporter Steven Beschloss of the Virginian-Pilot traveled more than 4,000 miles, conducted more than 150 interviews, and analyzed dozens of economic reports as well as unpublished federal data for 14 Southern states. He reported his findings of a historic economic restructuring in a seven-part, weekly series beginning January 1, 1987.*

THE RURAL SOUTH, which is more dependent on manufacturing than any other region in the nation, is facing the end of an era. For decades rural leaders were convinced they could recruit low-wage industries and bolster their sagging farm economies — and many succeeded in replacing agriculture with manufacturing. But today, as businesses close and competition for new industry heats up, that old confidence is wearing away.

The same region that witnessed the most massive exodus of people in American history between 1940 and 1960 now has become the victim of a national economic restructuring that is throwing its future into jeopardy.

The South's trouble has gone relatively unnoticed, minimized by the scale of the closings in Northeastern and Midwestern cities and lost in the fanfare over the Sunbelt's explosive growth in population and employment.

Yet the decline in such traditional industries as textiles, apparel, primary metals and coal, combined with the growth in services and high-tech industries, has hastened the growing economic disparity between Southern urban and rural areas and between Southern states. This shift comes at a time when the number of branch plants looking for U.S. locations

is dwindling — the competition between recruiters has intensified — and many of the growth industries are choosing sites near cities.

"We are becoming a metropolitan economy, and the places that don't fit in don't fit in," said Edward Bergman, University of North Carolina professor of City and Regional Planning. "Some of those places are not going to make it as the twentieth century promised them that they might."

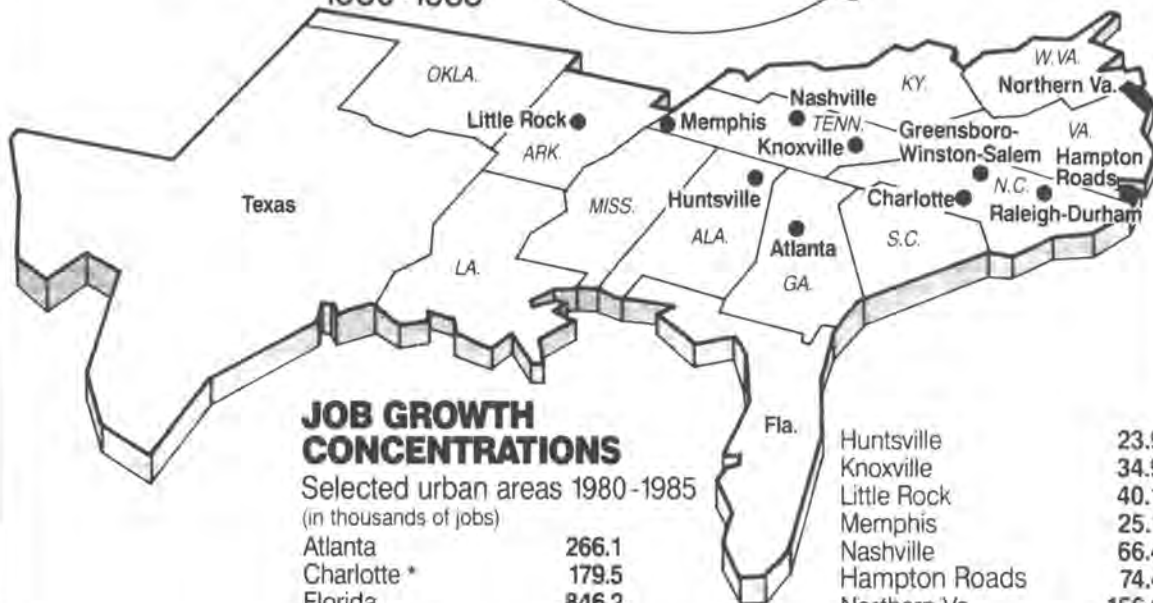
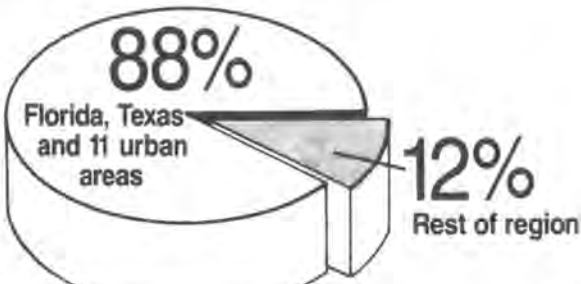
In fact, Florida, Texas and 11 urban concentrations — including Northern Virginia and Hampton Roads — accounted for nearly 90 percent of the region's net jobs gain in the first half of the 1980s.

Bergman's prognosis is not good news for Martha Moore, the mayor of Welch, W. Va., a town that boomed with the coal industry in the mid-'70s and now is struggling to survive: "The highways we don't have. Sewers we're just starting to get. Water is in some areas. Those things are what we are told we need in order to grow. It's hard to ascertain how you get those things when you're on rock bottom — when the money is not there and the caring is not there."

Moore and other local leaders in such

# REGIONAL JOB GROWTH

1980-1985



## JOB GROWTH CONCENTRATIONS

Selected urban areas 1980-1985  
(in thousands of jobs)

Atlanta	266.1	Huntsville	23.9
Charlotte *	179.5	Knoxville	34.9
Florida	846.2	Little Rock	40.1
Greensboro- Winston-Salem	49.5	Memphis	25.1
		Nashville	66.4
		Hampton Roads	74.4
		Northern Va.	156.6
		Raleigh-Durham	79.9
		Texas	830.1

\* Including Charlotte-Gastonia-Rock Hill

Source: Bureau of Labor Statistics and The Virginian-Pilot/ Ledger-Star

sider these findings:

◆ The South recorded a net loss of 300,000 jobs in just seven industries — textiles, apparel, primary metals, chemicals, coal mining, basic steel and leather products. The South is still the most rural region in the United States, and the rural South is the most highly industrialized part of the country. In fact, the rural South accounts for 366, or 54 percent, of the nation's counties that rely on manufacturing as the major source of income. So the decline of labor-intensive industries hits it especially hard.

Experts agree that most of these

hard-pressed areas as West Virginia and southwestern Virginia, where coal and textiles have been the lifeblood, concede that their populations are already being forced to leave to find work. Some say that the outward migration cannot be stopped and that their towns will be increasingly dominated by retirees and welfare recipients.

As a result, cities may face growing pressure to absorb rural refugees seeking jobs and services. "It might not be so much of a virtue to be the places where the streets are paved with gold," said James Cobb, a University of Mississippi professor of history and Southern studies in Oxford. "I think we are going to see a lot of metropolitan areas getting more in-migrants than they can absorb."

The closings and layoffs have not hit just the rural South, of course. Note Birmingham, Ala., where steel-makers have eliminated 7,000 jobs since 1980 and more than 11,000 since 1978. Yet Birmingham has the resources to make a transition: It has supplanted steel with medical services

as the city's major employer today. Many of the smaller communities in Alabama and the region have neither the skills and education nor the four-lane roads and symphonies to attract needed jobs.

Although some Birmingham residents are hoping to improve the city's Museum of Art, some people in Tchula, Miss., are wondering whether their homes will ever have running water and indoor toilets.

And in farming communities already beset with declining land values and farm foreclosures, the loss of manufacturing intensifies the stress: More than a third of the region's farmers rely on at least 200 days of non-farm work to supplement their income, the U.S. Department of Agriculture reports.

What emerges from an assessment of the region's shifting economy is a picture of progress and poverty existing side by side — and a widening gap between the winners and losers. Con-

industries will survive but that the employee ranks are unlikely to bulge. The \$2.8 billion capital investment by the steel industry in the first half of this decade and the \$8.1 billion investment nationwide by the textiles industry, for example, are geared to increasing levels of productivity, but with fewer workers.

◆ Service jobs jumped by 1.3 million, more than one-third of the region's total growth. Florida's service sector, for example, grew by 322,000 jobs, a jump of 40 percent. Meanwhile six Southern states did not even reach the national average in creating new service-related jobs, the most active economic sector in the region and the nation. These include Alabama, Arkansas, Kentucky, Louisiana, Mississippi and West Virginia.

◆ Nearly two million people migrated to the region. Yet Mississippi, Kentucky, Alabama and West Virginia all witnessed a net loss of residents. Each of these states experienced a net increase in the 1970s.

◆ The South added three million

jobs, more than half of the nation's total. But nearly 55 percent of that growth, nearly 1.7 million jobs, was concentrated in Texas and Florida. Add the growth in 11 urban areas, another one million jobs, and that represents 88 percent of all the employment growth in the region.

At the same time, the whole state of Mississippi grew by only 8,500 jobs, and West Virginia lost 50,000. In Virginia,

Northern Virginia and Hampton Roads accounted for 80 percent of the state's growth.

◆ Although per capita income overall had risen to 85 percent of the national average by the late 1970s, it has stalled since then. Five states — Alabama, Arkansas, Kentucky, Mississippi and South Carolina — had not regained their 1975 levels of per capita income by 1985.

◆ Per capita income in the rural South is only three-fourths of the national average. Black per capita income in the rural South is less than half of the national average, a mere \$3,203 in 1980, the most recent Census Bureau figure available. In addition, the South checks in with the lowest levels of educational achievement and per-pupil expenditures. As basic industry continues to automate

## The Winners

They come in busloads to hear the stories of success. How Huntsville has grown from a sleepy northern Alabama milltown into a major aerospace and industrial center in less than 30 years. How Huntsville has spawned dozens of engineering companies and snagged major manufacturers. How Huntsville opened a branch of the University of Alabama 17 years ago and recently beat out Birmingham, Tuscaloosa, and Montgomery to land the state's new \$22 million supercomputer.

Community leaders from around the state come to learn how this city of 160,000 has banked on the multi-billion-dollar presence of the Army's Missile Command and NASA's Marshall Space Flight Center and boosted employment by 29 percent in the first half of the 1980s.

What Guy Nerren, who has been Huntsville's industrial recruiter since 1960, is reluctant to say is a truth that leaders in many smaller towns and counties are fearing.

"Communities that don't have it aren't going to get it," said Nerren, executive director of the chamber of commerce. "I don't mean to downgrade any town. We just happen to have the things that companies are looking for."

Indeed, throughout the South, recruiters are battling to add new names to their industrial guest list. But it is primarily recruiters in the urban South who are basking in the pleasure of success.

As University of North Carolina sociologist John Karsada explained this development generally, the South has improved its accessibility to national markets with new highways, expanding airline hubs, a benign climate, upgraded schools, right-to-work laws, favorable wage rates, low taxes and land costs, and pro-growth attitudes.

But it is Florida, Texas and a limited number of cities that have made the

most of the region's investment potential.

The South added 3 million jobs in the first half of the 1980s, 43 percent of the nation's total. Florida and Texas accounted for 55 percent of the increases.

Add the job growth in 11 urban areas to the expansions in Florida and Texas and that represents nine of every 10 jobs gained in a 14-state Southern region during the first half of the decade.

Further, not only has the South's overall expansion been highly concentrated, but the growth in individual states has thrived on the success of the cities.

In the 1960s, Huntsville landed IBM and major aerospace manufacturers such as Boeing, McDonnell Douglas Corp. and Pratt & Whitney who sought close contact with the space research at the National Aeronautics and Space Administration and the Army's Missile Command. "Huntsville was high-tech when high-tech wasn't cool," said David Harris, information director for Redstone Arsenal.

In the process, the area began to build an infrastructure of schools, roads, airports, national companies, and industrial parks that has hastened their growth in the '80s.

In the early '70s, engineers with doctorates were pumping gas and thousands of workers were looking for jobs after NASA cut back its activity and Boeing, General Electric, IBM and Teledyne-Brown Engineering cut employment by about 10,000.

Such experiences stick with recruiter Nerren, who treats his occupation with the intensity of a military commander at war. He brushes off suggestions that Huntsville's growth is snowballing and that it is time to sit back and enjoy it.

After the lean years in the early '70s, Huntsville began to bring new industries to the area. But Nerren and Harris recognize that the city is still intimately tied to the mood of Washington. Many of the

new engineering companies that have sprouted up in the past year are hoping to procure some of the money earmarked for "Star Wars."

Increasingly, Southern leaders have had reason to worry about the federal government pulling the plug. During World War II, more than \$4 billion was injected into Southern military operations, about 36 percent of the national total. That flow continued after the war, boosting the region's fortunes and establishing the South as the prime location for military installations.

By 1985, seven Southern states were still among the top 10 recipients of Department of Defense payroll money. Altogether that is \$28.3 billion, including \$7.7 billion in Virginia, exceeded only by California.

Not only has that federal presence stimulated local business, but it also has influenced local leaders on occasions to take a hard look at their traditions. In the early '60s, Huntsville Army officers called for the integration of public places before the 1964 federal court order. Although small-town neighbors held tight to their traditions, Huntsville leaders were willing to throw aside old ways.

"These people were businessmen first," Nerren said. "With the cotton economy, they were accustomed to fortune and famine. They were determined to be successful in economic development."

"I remember at early meetings [about desegregation] where a few members said, 'By God, we are not going to let the niggers take over our community,'" Nerren recalled. "In not long they were saying, 'How do we get rid of separate facilities?' They were not going to interfere with the orderly growth of the community. Why? Because of dollars. Because of economics. Nothing else mattered. They still lived in their big homes. It didn't hurt them."

Such attitudes have sustained Huntsville's continued growth.

and move overseas, the need for better educated workers increases.

"Roads, water and sewer are all things you can deal with relatively quickly," said Malcolm Portera, director of external affairs at the University of Alabama in Tuscaloosa and organizer of the university's program to aid troubled communities. "Public school education is something that takes a long time —

and if you have a problem there, it takes a long time to overcome."

Out-migration and a breakdown of the rural economy is not new to the South in this century. More than four million workers and their families — most of them black — headed to the industrial North between 1940 and 1960 as farm owners invested in labor-saving

machinery and eliminated the need for many of their farmhands.

That wrenching disruption of family and community life continued during the 1960s as farm employment fell from more than one-third of the region's total employment in 1940 to less than five percent in 1970, a drop of more than 3.3 million jobs.

But throughout this period and into

## The Losers

In many ways, Sumter County, Ala., seems like a textbook example of a community right for economic development. It has a university. An interstate highway cuts through its borders. There is rail and water access.

Yet Sumter County may never attract the industry and jobs it needs. Seventeen years after court-ordered desegregation there, the county's schools remain essentially segregated — and an obstacle to growth.

Long after many of its urban neighbors have struggled to put their racial differences behind them, Sumter County is still fighting the war.

"We have a lot of advantages, but who can get past the disadvantages?" asked Michael Handley, editor of the weekly *Sumter County Journal*. "Our internal problems are tearing us apart."

Like other counties in western Alabama and the Mississippi Delta, Sumter has maintained public schools for blacks and private academies for whites — belying the widely held belief that one of the central institutions of racism has been eliminated. Even as the South has grown richer, more urban and better educated, vestiges of the Old South continue to obstruct economic and social progress. Racial tension, poverty and illiteracy remain a fact of life.

"The vision of this racially cleansed South is about as true as this vision of the Sun Belt," said James Cobb, University of Mississippi professor of history and Southern studies in Oxford.

Such observations discomfit state and local officials selling their healthy business climate — their low energy costs and tax rates, right-to-work laws, low wages, and able and available labor supply. The competition for investment dollars is intense these days, and state economic development directors promoting the lure of the Sun Belt particularly fear a tarnishing of its image. Most prefer to smooth over the upheavals of the past. As a result, per-

haps no subject pricks the bubble like pointing to lingering racial hostility or the fact that dual waiting rooms with signs marked "White" and "Colored" were removed from the office of a Holmes County, Miss., physician only seven years ago.

"The biggest interest in the white community is to be superior to black people, and that's more important than economic development or getting into the 20th century," said Leroy Johnson, a black community organizer in Holmes County, the poorest county in Mississippi, the poorest state in the country.

Most boosters of the region would rather concentrate on the net influx of more than a quarter of a million Northern blacks in the past 10 years, or the fact that there are 166 black mayors in the region today.

Yet neither Sumter nor Holmes nor dozens of other counties throughout the region have succeeded in escaping the negative pressures of segregated schools and racial tension, lingering poverty and limited skills. Investors have often shied away from such communities, much as they have stayed away from those without adequate roads or flat land for development.

In fact, a 1983 report by the U.S. Commission on Civil Rights concluded that industry has resisted locating in 16 western Alabama counties because of "neosegregation" and majority black populations.

"There's no question that industries shy away from areas with black populations," historian Cobb said. "I think they are still concerned about social and political upheaval."

Other observers say businesses worry that blacks are more susceptible than whites to being organized by unions.

Whatever the reasons may be, at a time when industry is primarily choosing sites in and near cities, small towns and counties that resist change or are wrapped up in local power struggles risk being left be-

hind.

Nearly a generation ago, white parents in predominantly black Sumter and Holmes counties pulled out of the public schools and established private academies for their children. Still today in Sumter, less than one percent of the public school students are white. The numbers are even more striking in Holmes: Out of 4,300 public school students, four are white.

"Those federal court decisions were intolerable," said William Brewer, an attorney, co-owner of a local newspaper and chairman of the industrial development board in Sumter County, one of Alabama's former strongholds of slavery. "After [federal Judge] Frank Johnson committed his ignoble act, we said to him: 'The hell with you. We'll set up our own school.'"

In the process, Brewer and other parents set up an impediment to economic growth. Sumter and Holmes are two of the poorest counties in the nation, both with per capita income that is about half the national average, and they have had a tough time attracting industrial development.

"Where are you gonna put your plant — where you've got a good public school or where you might pay \$1,500 a year at a private academy?" asked Pierce Boyd, a Sumter County businessman.

Parents with two children at Sumter Academy pay \$1,881 annually, and those with three children pay \$2,497. In a county where per capita income averages \$5,780, such fees are harsh punishment for many white families.

But few are willing to break the pattern and send their children to the black public schools. That's just the way it is, many say, while conceding that both school systems lack the financial resources to offer a quality education.

Some parents — black and white — have responded by making arrangements to send their children to the integrated

(Continued next page)

the 1970s, Southern recruiters sought industry to replace the vanishing farm work. They opened their doors to Northern manufacturers, offering them tax breaks, free buildings and other incentives to locate in their communities. Northern employers looking for a reprieve from union wages and union aggression had their pick of small towns willing to work for low wages and minimal benefits.

By the 1980s, manufacturing had re-

placed agriculture as the major source of economic activity. The rural South was the most highly industrialized region of the country, with manufacturing jobs accounting for 25.6 percent of the total, compared with 19.1 percent for the United States overall.

In the process, the South, which has always been the nation's poorest region, had begun to close the income gap. Between 1969 and 1979, for example, manufacturing wages and salaries in the rural South rose nearly 23 percent, compared with only a four percent increase nationwide.

Still, overall, that convergence did not dramatically transform the fortunes of the region's residents who relied on jobs in manufacturing. Although North Carolina is more dependent on manufacturing than any other state in the country, for example, it has the nation's lowest manufacturing wage levels.

"Mississippi got too many industrial facilities that were looking for the minimum wage sites, too many branch plants," former Governor William Winter added. "We deluded ourselves into believing that we could build a permanent industrial economy on that sort of base."

Indeed, in the process of severing its dependence on agriculture, the South linked itself to another unreliable master. Between 1969 and 1976, 70 percent of the net jobs gain in corporate branch manufacturing plants was controlled by Northern companies, said David Birch, professor at the Massachusetts Institute of Technology. As easily as these companies could pick up from their Northern locations and head South, they could pick up again and head overseas.

Today, even though state and local officials are hailing the opportunities in service-producing and high-tech industries, there is no guarantee that they will not increasingly bypass the South in a quest for cheap labor in Mexico or Southeast Asia. "The circuit board plant of the 1980s may well be on its way to becoming as footloose as the South-

bound garment plant of the 1930s," historian Cobb wrote in a recent article.

Note Unisys, the company formed by the merger of Burroughs Corp. and Sperry Corp., which last month decided to close its plant in Bristol, Va., and lay off 1,570 employees. The plant made circuit boards and manufactured and assembled other computer parts. Unisys corporate executives, who have been consolidating operations since the merger, complained of over capacity. But they also are planning to expand facilities in Mexico.

For now, leaders in rural communities are attempting to define their assets and convince their state governments to pay some attention to them. They hope to stave off the kind of expression that the rising tension for jobs generated in Dunganon, Va., an unincorporated town with about 1,500 people living within a five-mile radius.

At a public hearing, an environmental group proposed strengthening air pollution regulations before allowing Louisiana Pacific Co. to proceed with construction of a \$14-million lumber plant. A few nights later, environmentalist Richard Austin found a nine-foot wooden cross burning in front of his farm.

"When you are getting down to jobs, people are going to fight tooth and nail for them," said Nancy Robinson, executive director of the Dunganon Development Corp., referring to the cross-burning. "They are starving for them." □

*(Continued from The Losers)*

public schools in Meridian, Miss., about 35 miles away. But that does not resolve the problem for their county, where local funding for public schools is close to the bottom in Alabama.

"If you want to talk about progress, real progress, being able to attract industry, you've got to talk about integrating the schools," newspaper editor Handley said. Yet few leaders in Sumter believe integration will take place any time soon. Many doubt it will take place in their lifetime.

Fierce supporters of segregated schools, such as William Brewer, hold onto the conviction that the white academies are a necessity, contending that they give industry executives an alternative to the poor quality of the public schools. Rather than focusing on the issue of segregated schools, Brewer concentrates on pushing the county's hard-working labor supply and urging the exploitation of timber and other natural resources, including the recently opened Ten-Tom Waterway.

However, at a time when basic industries are closing up shop or stripping their operations — and per capita income is falling relative to the national average — residents in Sumter and Holmes are feeling the weight of their racial separation especially keenly.

"We will all die a slow death" without integration of the public schools, said Arnette Lewis, president of the Rural Organizing Community Center in Holmes.

"Even some of the more flagrant racists realize that unless there is some cooperation between blacks and whites there will be no economic progress," Handley said. "Most whites realize that. Whether they can stomach the change is another matter."

NOT MANY RESIDENTS OF SUMTER COUNTY ALABAMA, WELCOME THE PRESENCE OF THIS TOXIC WASTE SITE, BUT SOME THINK THE ALTERNATIVE WOULD BE WORSE.



# Depression Dark As a Coal Mine

## HONORABLE MENTION

by Rick Bragg  
and Dean Barber  
*Birmingham News*

King Coal has given Alabama a distinctive history among the Deep South states. In the last few years, it has also meant double-digit unemployment rates. In 11 lengthy articles over five days, May 17-21, 1987, Rick Bragg and Dean Barber of the Birmingham News analyzed the crisis of the Alabama coal miner: Why so many miners have lost their jobs, why so many mines have closed, and what impact the industry's depression has on mining communities.

**SIPSEY** — The steel boom of an idled coal dragline rises like a gallows over the little town of Sipsey. A sign on a football field scoreboard says it was donated by Hallmark & Son Coal Co. The company shut down last winter and laid off its miners.

Miles away in Dora, tall grass grows between rails of track that trembled under coal cars in the 1970s. An office building in Carbon Hill is labeled "Cobb Coal Co." The company closed three years ago.

In a brick house in Pleasant Grove, laid-off miner Larry Flowers sits with the foreclosure letter in his hand. The FOR SALE sign may go up any day. He sees his children every other weekend; a 10-month layoff was more than his marriage could stand. He dropped from \$15 an hour to a place among the new poor — a crowded place in the Alabama coal fields, where one in two miners is out of work.

Flowers has joined thousands of Alabama miners in a treadmill hopelessness of odd jobs and anticipation, waiting for a recall that may never come for some of them. The miner with the lowest seniority at the Oak Grove mine has 15 years in. The young men — some third-generation miners — fear they're the last of the line, casualties of a dangerous dependency on coal.

The same scenes, same situations are waiting in other cities, towns, and wide places in the road in Walker, Jefferson, and Tuscaloosa counties — the state's primary coal-producing counties.

"The old miners told me that if I ever went down in the mines I'd never come out, that it would get in my blood," said the 34-year-old Flowers. "Well, it is in my blood. But the jobs are gone."

"Where have all the jobs gone?"

## MINERS PAYING THE PRICE

The numbers are staggering. In 1980 there were 13,000 coal-mining jobs in Alabama. Now there are 6,500 — a drop of 50 percent in seven years.

Since October 1985, 2,160 miners have been laid off indefinitely, according to the Alabama Department of Industrial Relations. Some 250 were laid off last month, continuing the downward spiral.

"I go in to work every day like it's going to be my last, expecting it," said Walker County miner Johnny Smothers.

In one sense the coal depression is no different from the rest of the South's heavy industry — foreign competition and slackening demand are driving it to its knees.

But at the root of the 1980s coal depression is a 10-year-old U.S. government foul-up — when the Department of Energy analysts wrongly forecast a long-lasting energy crisis in which coal would become the energy savior of a fuel-hungry nation.

The forecast prompted an overwhelming response from the coal industry — which helped dig its own grave over the next decade by burying the market under such a glut of coal that prices plummeted.

Now 10 years later, the Alabama miners pay the price:

◆ Since 1982, the number of businesses licensed to mine coal in Alabama has fallen from 274 to 104, state records show. The number of active coal mines has dropped from 148 in 1982 to 86 by March 1987.

◆ The state's largest producer, the Drummond Co., has weathered the depression with an aggressive strategy. Drummond bought coal mines and acquired rich contracts with Alabama Power Co., then laid off some 900 miners.

◆ Drummond, the largest employer with 3,000 employees, now is pursuing mining interests in Colombia, where coal can be mined and transported cheaper than it can be mined in Alabama.

◆ McWane Coal Co. in Walker County already is buying Colombian coal, blending it with Alabama coal, and

selling it to a Florida utility company.

◆ Jim Walter Resources, the state's second-largest coal producer, inked long-term coal contracts with Japanese steel mills in the boom of the 1970s. Jim Walter laid off 260 miners in April after the Japanese steel companies failed to pick up 1.5 million tons of coal on time, allowing a mountain of coal to grow at the Port of Mobile.

◆ Alabama Power in the coal heyday of the 1970s locked itself into long-term, high-cost contracts with a handful of big coal companies, ensuring a reliable supply for a growth rate that would turn out to be exaggerated. Now smaller coal operators clamor for any business from the utility that could help keep their doors open, and claim they can sell coal cheaper than the coal giants.

Miner Bill Rutherford puts it like this: "You don't have to be no damn Birmingham psychologist to know that the Alabama coal miner is dying."

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#### COAL: A FICKLE GODSEND

The towns are unremarkable, just small places with no more than a half-dozen streetlights and clusters of wood-frame houses, with names like Sipsey, Dora, Parrish, Cordova, Brookwood, North Johns, Adger, and Carbon Hill.

Born at the mouths of mines, their histories stretch back 100 years or more — to a time when the county courts might sentence a man to work underground in a convict mine; when mine owners paid in script instead of cash, and miners owed more than their souls to overpriced company stores. Mine safety was as far and fast as you could run when the roof started to crack; job security was keeping your mouth shut.

The company gave miners inexpensive housing — the rows of small houses still stand in some towns — and provided cheap medical care and schools. "Company towns," they came to be called.

The towns would survive their early, dreary histories; the miners would organize and unionize and steadily win a better and better living from coal.

Thirty years ago they trooped out of the mines by the hundreds; their carbon-arc head lamps lighting up the streets. Ten years ago they came out by the thousands.

Today the main streets in those towns are dotted with empty stores. A



Jasper car salesman says he hasn't sold a car in weeks, but has had chance after chance to buy cars cheap from miners desperate for cash. The owner of a country store in Dora doesn't stock as much Brown Mule chewing tobacco and bib overalls as he used to. Miners were his best customers.

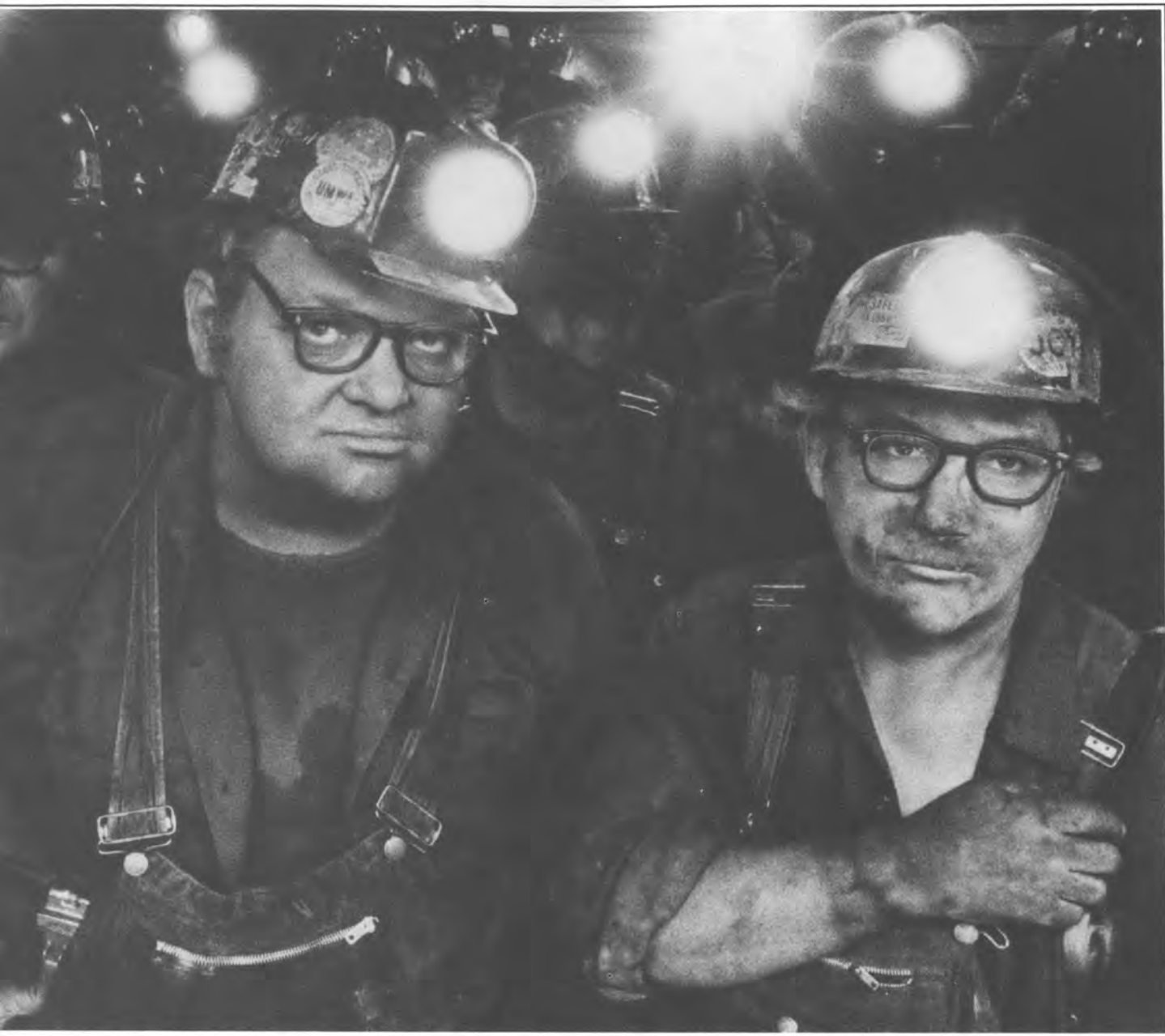
Bill Kelce, president of the Alabama Coal Association, said a loss of 500 mining jobs means an annual loss of \$15 million in payroll. The ripple effect of that on the local economy is \$137 million — merchants and others who benefit from the miners' money. For laid-off

Walker County miner Ken Harris, it means unemployment pay and odd jobs for grocery money. It means he can't buy his family what he'd like to for birthdays and Christmas.

In middle age, Harris says he is too late in life to start a new career, too young to retire. He has hinged his life on coal. He remembers when that was a good bet. "When you live around a coal community you get a job in coal, the first chance you get. It's good money and . . . well, it's just sort of the way you're raised."

Coal miners in 1987 make \$16 an





**GRIMY, TIRED COAL MINERS EMERGE FROM UNDERGROUND DURING A SHIFT CHANGE AT OAK GROVE MINE RUN BY U.S. STEEL MINING DIVISION.**

hour. But even in the 1930s and 1940s, the coal mines were an economic god-send for men accustomed to the tug of a cotton sack and the heat of the laborer's sun.

Men — and later women — with little or no education could make a living in a coal mine. It would be that way for generations.

Bill Rutherford, four days from retirement at the U.S. Steel Oak Grove mine, has been underground every working day of his life for 33 years. He looks out from his mask of black coal dust and says point-blank he does not

love the mines; he does not believe anyone really loves the mines.

Miners trudge past stoop-shouldered in the black of 1,100 feet, the lights on their helmets dancing off the roof. Deadly methane gas hisses from a crack in the rock.

"The money . . . that's what brings 'em down," Rutherford says. "Anybody who tells you different is a damn liar. I ain't gonna walk out of this damn hole broke."

Coal has always been a fickle industry of booms and busts, with mines running full-tilt or half-speed, never a

steady, consistent balance of supply and demand.

A miner's layoff could last a week or a few months, but eventually coal would begin to sell — to the steel mills, to the utility companies. Overseas demand would pick up, and soon coal would be heading out in barges to places miners couldn't even pronounce. Hard times meant a few late payments on a Buick Riviera.

People knew, people believed, people trusted coal would be back, the mines would hire, the union boss would get on the phone to the laid-off miners



IDLLED DRAG LINE IN SIPSEY LOOMS BEHIND A SCOREBOARD DONATED BY A CLOSED-DOWN COAL COMPANY.

and good times would come back. Coal would rise like Lazarus.

But this coal depression is different. This time — industry analysts, mining experts, and the miners themselves agree — many of the jobs lost in the coal depression of the 1980s may be lost for good.

#### COAL WAS GOLD IN 1970s

Ten years ago, government analysts with the U.S. Department of Energy forecast coal prices and all other forms

of energy would go only one way — up. “When the coal boom of the 1970s took off, prices were appreciating, everyone was looking at the coal market to be a very lucrative one,” said Bill Carr, a native of Britain who was hired in the 1970s to run a brand-new multimillion-dollar operation for Jim Walter Resources, Inc. — owned by a homebuilding company with no mining experience. “A lot of people began to develop new mines, such as ourselves.”

Others didn’t have the resources to open deep mines. But they didn’t need it. Strip mining was a simple process —

find coal, scrape the dirt and rock off the top, and pile it up.

“When the oil embargo hit [1973], anybody who knew how to drive a bulldozer became a coal operator,” said Don Thornburgh, fuels manager for Alabama Power, the state’s largest consumer of coal.

But the government energy gurus had messed up, spectacularly. The lofty increases in energy demand projected by the government never happened. As oil prices rose, people did what some analysts said they wouldn’t — they conserved. The energy crisis “locked the country into a conservation ethic, or a mania, depending on how you look at it,” said Jerome J. Karaganis, chief economist for the National Coal Association.

Demand and prices for coal, especially metallurgical coal used by the steel industry, fell and continue to fall. Birmingham, the Pittsburgh of the South, turned from steel to a service-based economy. Medicine and education, not metal, are the city’s largest employers.

To compound problems, Alabama’s coal production costs are the highest in the nation — its coal seams are thinner, deeper, and gassier, according to Rusty Ward, geologist with Alabama Geological Survey.

Faced with fierce competition for a shrinking market and declining prices, the owners of coal mines responded by cutting costs but increasing productivity — the number of tons of coal per miner. The smaller, less efficient companies simply went under; the more efficient cut costs in their costliest area — labor. The base pay for a union miner is \$32,000 a year. But with benefits — health care, pensions, and insurance — the hourly cost to the employer is \$30 per miner, or \$60,000 a year, according to U.S. Steel mining officials.

Coal industry executives say that by increasing production, fixed costs like labor are spread out more and the cost per ton to mine the coal, the critical yardstick, is lessened. That strategy, which the surviving companies swear by, has a Catch-22 clause. The more the mine produces, the more it adds to the glut that forces price declines — and adds to the pressure to produce more for less.

Coal executives say they know that sounds crazy. “This has been, by any standards, phenomenal,” said Carr. “In

the early '80s, we were looking at eight or nine tons per man [per day] to be reasonably good performance. Today we are looking at 14, 15, and 16 tons per man, so this surge has worked against us because it has kept the capacity there."

The trend by major coal companies has been to invest more in bigger, expensive equipment that pulls more coal out of the ground, and rely on fewer and fewer bodies. The companies refer to that as increased productivity. Miners call it bad luck.

At surface mines in Alabama today, monster draglines — with booms the length of a football field and shovels bigger than a two-car garage — pull out 120 square yards of rock with a single bite.

The sticker price for one of these giant machines is \$40 million.

Underground machines called "long-walls" — self-contained mining machines hundreds of yards long — hold up the roof and slice the coal out with a steel plow or rotating cutting machine.

Coal companies in Alabama since 1980 have turned out 25 million tons of coal a year. But the number of miners needed to turn out that tonnage has dwindled. In 1980 it took 13,000 miners to produce 25 million tons. In 1986, nearly half that many produced the same amount.

"What that says is productivity," said Thornburgh. "Well, that's great. But unfortunately, some people don't have

jobs," he said. The past two years have been especially bloody for the Alabama coal miner. The biggest single layoff came in December 1985, when Drummond closed its Gorgas and Segco mines and laid off 900.

For the Alabama miner caught in this economic crossfire, there seems nowhere to run. "I've been laid off before, but never this long," said Flowers. "I always managed to find my way back. I worked in the Oak Grove mine 10 years, and when you work at a place 10 years, you've got a right to believe you've got some security in your life.

"I don't guess anybody's got any security now, in the coalfields." □

## Colombian Connection Threatens Alabama's Coal Community

The Colombian coal connection is a threat, not yet a force in the Alabama coal community. The South American country's primary exports to the United States have been coffee and cocaine — both commodities U.S. consumers use but U.S. companies don't produce. But Colombia also has coal, millions of tons of untapped reserves, and a wealth of cheap labor to mine it.

In Alabama, that has United Mine Workers of America officials scared, trying to block the import of millions of tons of Colombian coal that could displace Alabama coal — and coal miners. State Rep. Tom Hogan of Jasper is sponsoring a bill that would ban Alabama Power Co. or any other state-owned utility from buying foreign coal. Two Alabama companies — Drummond Co. and McWane Coal — have made Colombian coal connections. Drummond is in the process of opening a strip mine in the country, and McWane has already imported Colombian coal, blended it with Alabama coal, then sold it to a Florida utility.

Robert Webb, an international representative for the union, said the last thing he wants to see is Alabama Power — which to date has not purchased any foreign coal — buying Colombian coal and displacing Alabama mines and miners who work in them.

Alabama Power's sister company, Gulf Power, has bought South African coal to feed its boilers. If the Colombian threat ever materializes, it likely will appear at utility plants near the Gulf Coast, said Bill Carr, president of the mining division of Jim Walter Resources.

"You bring it into a port and have a power station nearby, then you are gaining all the advantages," Carr said. "That is where you will see the impact from Colombian coal, and we are all scared to death about it."

Alabama Power is presently adding to its coal needs with an addition at its Miller Steam Plant, and Webb said he is afraid the power company might agree with Drummond to replace its Alabama coal with Colombian coal. "Alabama Power's No. 3 unit at Miller will be coming on line in 1989. We hope this bill will prevent them or any company from bringing in foreign coal and signing a contract," Webb said.

Webb said one million tons of displaced coal in Alabama would mean a loss of 150 to 250 surface miners and 350 to 400 underground miners.

Two Florida utilities are already using Colombian coal, according to the report. Florida Power Corp. signed a contract to receive 550,000 tons of Colombian coal per year from 1985 to 1989. That tonnage drops to 225,000 tons in the last year of the contract. Jacksonville Electric Authority of

Jacksonville, Fla., recently signed a 10-year contract to buy 800,000 tons of Colombian coal annually.

That Colombian coal came into the state through the Port of Mobile — and UMWA officials say that coal could just have easily floated up Alabama's waterway system to Alabama coal buyers. The average price of the Colombian coal is about \$35 a ton, compared to nearly \$47 a ton for Alabama coal.

UMWA officials fear that the McDuffie Coal Terminal at the Port of Mobile — one of the most modern coal-handling facilities in the United States — will soon be sending as much coal into the nation as it sends out. "We need to put some people back to work," said Tommy Buchannan, a UMWA international executive board member. "And we can't do that if we can't keep this foreign [expletive] out."

UMWA national vice president Cecil Roberts, in testifying to a U.S. House of Representatives subcommittee last year, said there are no stringent safety and environmental standards placed on Colombian coal as there are in the United States. "The UMWA insists that American wages and living standards should not be set by the lowest common denominator in the world markets," Roberts said. "As long as there are people living in poverty somewhere in the world, there will be multinational companies paying low wages and subjecting workers to conditions the United States outlawed decades ago."

# Study In Black and White

## HONORABLE MENTION

by Sally S. Huguley  
*The State*

From April 12 to April 15, 1987, *The State of Columbia, South Carolina*, gauged the progress of efforts to achieve equality of opportunity among blacks and whites. Based on a poll of 512 people and interviews with 100 blacks and whites, the report examined how both races assessed opportunities in employment, housing, education, government, and political representation.

COLUMBIA — The majority of South Carolinians agree that relations between the races are better now than 20 years ago. But there is growing concern that many whites think they have done enough for blacks, and it's time blacks make it on their own.

The result, according to a state-wide poll and in-depth interviews conducted by *The State*, is a conflict of feelings between whites, many of whom think their role in the civil rights movement ended with desegregation, and blacks, who say whites are increasingly indifferent to blacks' struggle for better education, employment, and political representation.

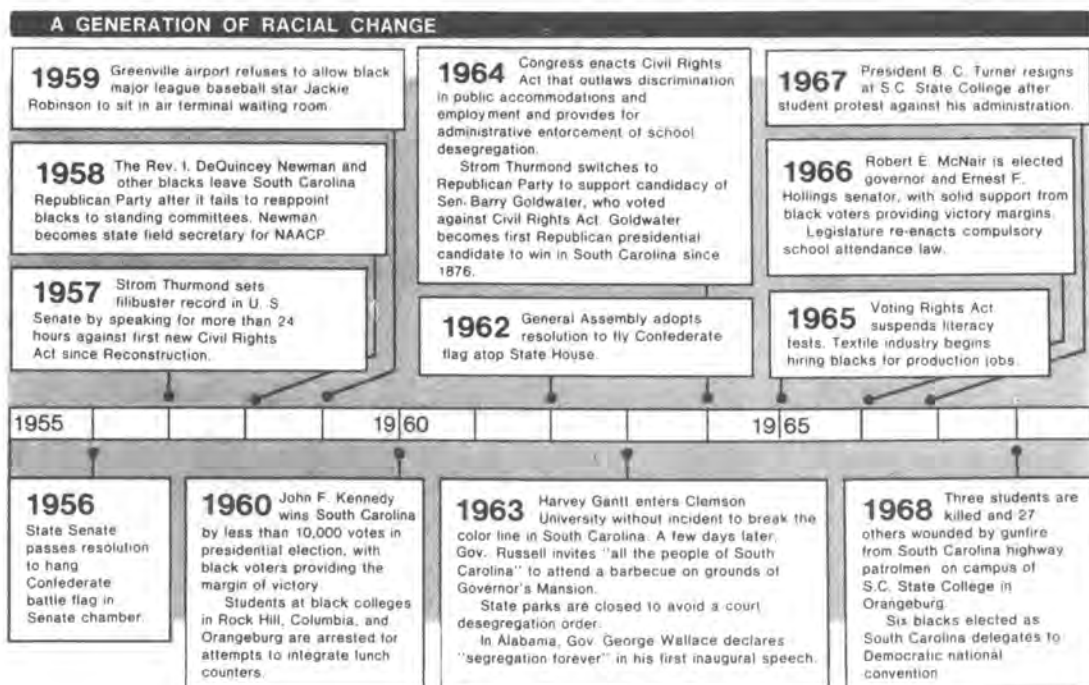
It also seems apparent that recent public controversies concerning the Confederate battle flag, a resurgence of Ku Klux Klan marches, and discrimination in private clubs are indications that tensions between the races are resurfacing. *The State's* interviews and polling data clearly show that these events have been divisive, drawing out negative feelings and forcing people to take sides.

A few blacks and whites said renewed public attention to racial issues may have the positive effect of demonstrating that the contemporary civil rights movement, begun in the 1950s, is not over. Other blacks, however, were not so optimistic.

"Now we're at a standstill, getting ready to go backward," said Abigail Rogers, a black attorney who lives in Columbia. "Right now it seems OK to say, 'Black people are inferior. I don't like black people. Black people are stupid.'"

She added, "Someone said to me recently, 'Why can't we keep black people out of clubs if we don't want them in?' No one would have said that to me a few years ago."

Rogers' concerns and others' are supported by findings of the South Carolina Poll, conducted by *The State* in March, and in subsequent interviews



with 50 white and 50 black South Carolinians. The poll asked 515 people to assess changes in racial attitudes during the past 10-20 years. The personal interviews focused on similar questions and further explored racial issues in 1987.

Among the findings:

- ◆ Most blacks and some whites say black South Carolinians have not overcome economic barriers that stand in the way of equal opportunities.

- ◆ South Carolina has legally desegregated, but it has not integrated. Blacks say opportunities are better than in the past, but they are still not equal to whites in terms of access to jobs, housing, education, and social amenities.

- ◆ A majority of whites and blacks acknowledge that racial segregation and discrimination exist today, particularly in social situations, although most say segregation is a product of economics.

The South Carolina Poll found that three out of four people statewide believe relations between the races are better now than 10 years ago — an opinion supported later in interviews. Results of the statewide sample show that feeling is shared equally by blacks and whites. But when people were asked to judge progress of the civil rights movement during the past 20 years, two-thirds said it had been only “somewhat suc-

cessful” in bringing about equal opportunities for both races.

The response also indicated a sharp contrast of opinion between the races. Less than 10 percent of blacks said efforts to achieve equal opportunity have been “very successful,” but 30 percent of whites gave that response.

“Blacks are not willing to call the movement toward equal opportunity an unqualified success,” said Dr. Emerson Smith of Metromark Market Research Inc., which conducted the poll for *The State*. “There have been successes, but not the achievement of equal opportunity. . . .”

South Carolinians say money — or the lack of it — separates blacks from whites. Economic factors were mentioned most often as the dividing line between the races in jobs, housing, education, politics, or social situations.

“Blacks don’t have the same access to jobs and the same potential for accumulating wealth, and, as long as they don’t have equal economic opportunity, there is not true equality in other realms of life that are affected by economics,” said Columbia attorney Stephen G. Morrison, who is white.

“There’s no equality in the job market,” said Ida Spruill, a black nurse from Marion. “That takes care of everything

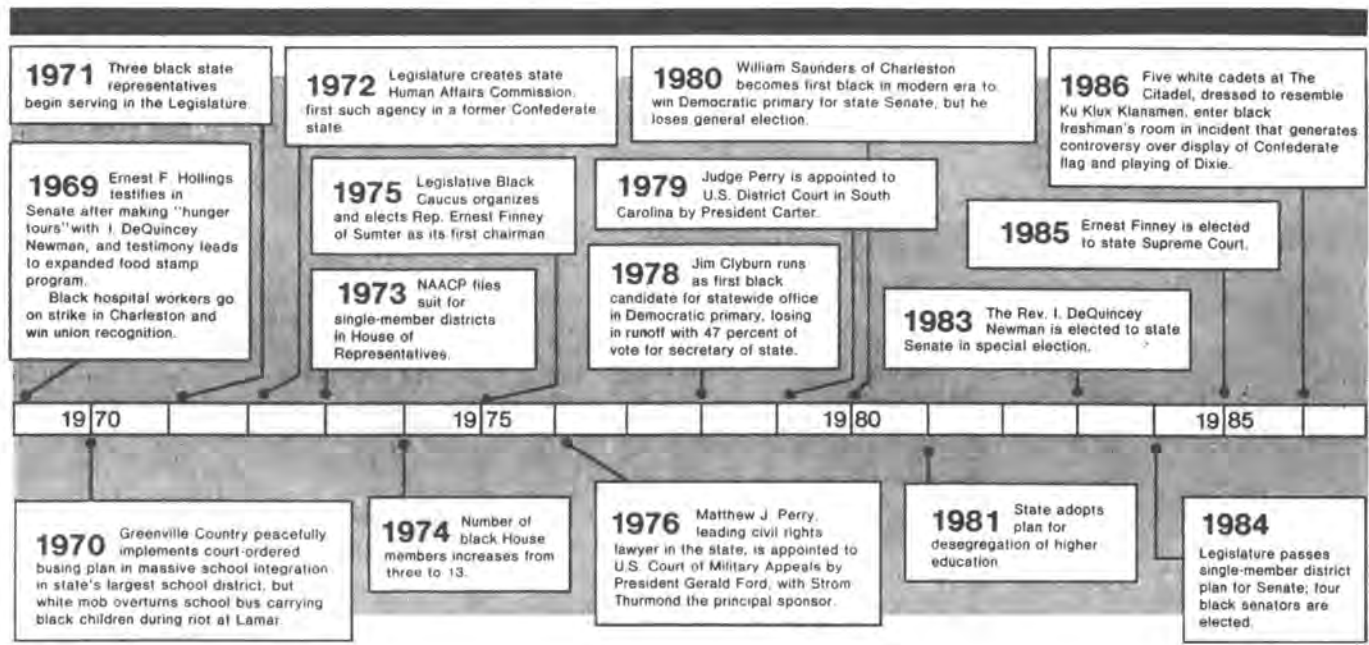
else. If you don’t get any money, you can’t afford to do anything else but survive from day to day.”

Even though a majority of both races agreed that racial segregation and discrimination still exist in South Carolina, most people said money — more than racism — limits access to better housing, education, social, and recreational facilities.

“It’s more than a black versus white situation,” said Clente Flemming, 36, a black vice president for a large bank. “I can walk into any store in Columbia and just the bare fact that I’m a vice president at a bank will make them want to serve me. But another black might not be able to do that if he was a janitor.”

Marjorie Johnson of Saluda, a white restaurant owner, took a broader view. “We just all think that if [blacks] can make a living like we do, why can’t they be the same as we are,” she said.

Most whites said all opportunities were open to those who could afford them, regardless of race. But blacks said the opportunities are not the same as for whites because job opportunities are not the same. “It’s going to be jobs. It’s always going to be jobs,” said Helen Duckett, 33, a black woman from Columbia who works two full-time jobs. □



Scott Parroni/The State

# Falling from Grace: The PTL Scandal

by Charles E. Shepard  
*Charlotte Observer*

*On March 19, 1987, Jim Bakker, head of the \$172 million PTL television ministry, resigned after admitting to a "sexual encounter" with church secretary, Jessica Hahn, in 1980. Bakker put partial blame for his resignation on a series of articles about to be published by the Charlotte Observer. Although the Observer staff had known about the affair for three years, they did not disclose it until reporter Charles Shepard had evidence that money was given to try to buy Hahn's silence — money he eventually learned was siphoned from funds donated by PTL viewers for the ministry.*

*Financial impropriety, rather than sexual indiscretion, had long been of interest to the Observer, and its stories in previous years had led to investigations of PTL operations by several state and federal agencies. The following excerpts from Shepard and Elizabeth Leland's 1987 reports illustrate how the temptations to excess led a man of God into a ministry of greed.*

## MARCH 20

### Resignation and the Affair

The PTL President Jim Bakker, who built a fledgling Christian TV show in Charlotte into one of the nation's most popular TV ministries, resigned Thursday from PTL.

"I have decided that for the good of my family, the church and all of our related ministries that I should resign and step down immediately from PTL.

"I have also today resigned from the Assemblies of God. I am not able to muster the resources needed to combat a new wave of attacks that I have learned is about to be launched against us by the *Charlotte Observer*, which has attacked us incessantly for the past 12 years.

"I am appalled at the baseness of this present campaign to defame and villify me. I categorically deny that I have ever sexually assaulted or harassed anyone.

"I sorrowfully acknowledge that seven years ago, in an isolated incident, I was wickedly manipulated by treacherous former friends and then colleagues who victimized me with the aid of a female confederate.

"They conspired to betray me into a

sexual encounter at a time of great stress in my marital life. Vulnerable as I was at the time, I was set up as part of a scheme to co-opt me and obtain some advantage for themselves over me in connection with their hope for position in the ministry.

"I now, in hindsight, realize payment should have been resisted and we ought to have exposed the blackmailers to the penalties of the law. I've asked my friend, Jerry Falwell, to help me in this crisis."

Bakker made the comments as the *Observer* was investigating allegations that a New York woman and her representatives received \$115,000 in 1985 after she told PTL she had sexual relations with Bakker in a Florida hotel room.

Richard Oppel, editor of the *Observer*, responded in a statement:

"We were investigating allegations about PTL's Jim Bakker at the time of his resignation. . . . No article would have been published unless we were convinced of the accuracy and fairness of the information, which did involve allegations of a sexual encounter and subsequent payments.

"Mr. Bakker often has questioned our

motives in pursuing coverage of PTL's activities. The accuracy of our coverage has never been successfully challenged.

"We have covered PTL closely for more than 10 years because it is a major institution in our community. It has many employees, substantial real estate holdings, an image that is projected nationally and raises millions of dollars from public broadcasts."

A lawyer representing PTL, Norman Roy Grutman of New York, refused Thursday to answer whether PTL, Bakker personally or some other source supplied the money Bakker said was paid. He also declined to say how much money was paid.

Thursday's events have their roots on a sunny, breezy Saturday afternoon in Clearwater Beach, Fla., six years ago.

Bakker, then 40, was in Florida Dec. 6, 1980, to appear on a broadcast for a nearby Christian TV station. At the time his marriage was troubled — a fact Bakker touched on Thursday.

Among those accompanying Bakker in Florida was Oklahoma City evangelist John Wesley Fletcher, then a friend of Bakker's and a regular guest on PTL broadcasts.

Also at Bakker's hotel in Clearwater Beach was a 21-year-old church secretary from New York named Jessica Hahn. Fletcher had arranged for her to fly to Florida to meet Bakker and see the broadcast, according to Fletcher and Hahn.

She said she was emotionally troubled by the encounter, which she said she did not expect, and by gossip that she said followed.

Hahn said Thursday, "There was no blackmail, no extortion. Jim Bakker is obviously trying to protect himself. . . . I know what the truth is. . . . I don't want Jim Bakker to leave PTL."

In a 1984 interview, Hahn said she had complained to PTL and met twice with PTL executive director Richard Dortch in New York. In the second meeting in November 1984, she said, she signed a document recanting her allegations.

In late 1984 or early 1985, Hahn met with Paul Roper, an Anaheim, Calif. businessman. By early February 1985, Roper had sent PTL officials the draft of



**JIM BAKKER TALKS WITH REPORTERS OUTSIDE HIS PALM SPRINGS, CALIF., HOME. STANDING WITH HIM IS HIS WIFE TAMMY AND SON, JAMIE.**

a lawsuit detailing the woman's allegations and seeking millions of dollars in damages from PTL, Bakker and others.

At least twice in Feb. 1985, Roper met with Dortch or Los Angeles lawyer Howard Weitzman and his partner Scott Furstman.

Roper said he presented the woman's allegations and suggested compensation, including a trust fund, if her story was true. Also discussed was a provision that the woman forfeit the money if she sued or otherwise made her charges public.

On Feb. 27, 1985, a check for \$115,000 drawn on the "Howard L. Weitzman clients trust account" was given to Roper on the woman's behalf.

## **MARCH 20**

### **Jim Bakker's Humble Roots**

Jim Bakker's ambitions had humble beginnings.

His father, Raleigh Bakker, worked as a machine repairman in a piston ring factory in Muskegon, Mich. Born Jan. 2, 1940, the youngest of four children, Jim Bakker was embarrassed by his family's garish orange cement home and his poor

grades. He compensated with an outgoing personality. By his final year at Muskegon Senior High he was class president.

He was reared in the Assembly of God church, but didn't realize his faith until a snowy night in 1958 when he skipped a church service and ran over a young boy with his father's 1952 Cadillac. Bakker thought he had killed little Jimmy Summerfield, but the boy survived.

"At that moment Jesus became the only thing in my life," Bakker wrote in his autobiography. "I knew I couldn't control my own destiny any more."

After graduation he enrolled in North Central Bible College, where he decided on a life of evangelism. There, he met Tamara Faye LaValley, 18, who would become his wife. The two were married in April 1961 and spent the next five years crusading. While in North Carolina, Bakker was ordained a minister.

In a 1965 crusade in Portsmouth, Va., the Bakkers met Pat Robertson, who offered them jobs at his Christian Broadcasting Network. Later, Bakker became cohost with Robertson of the "700 Club," which was the model for PTL.

PTL began modestly in a glass-cov-

ered office building on Independence Boulevard in Charlotte. Pushed by Bakker, PTL — for Praise The Lord or People That Love — grew so fast that sometimes it suffered financial difficulty and often became embroiled in controversy.

PTL moved to northern South Carolina, where it built Heritage USA. PTL now employs about 2,000 people and reported \$129 million in revenues in 1986.

Bakker believes that God is able to solve even the most trivial and material problems. He once said, "Why should I apologize because God throws in crystal chandeliers, mahogany floors and the finest construction in the world?"

Though drawn to possessions — expensive homes and fancy cars — Bakker's friends describe him as loving, committed and still humble.

**MARCH 21**

## Departure May Crimp Future

The Bakkers' departure — and the ascension of Falwell and a board dominated by fellow fundamentalists — could affect the size, enthusiasm, and generosity of PTL's largely charismatic audience.

"I want to be realistic," Falwell said in a telephone interview Friday. "I don't want to go in with a pie-in-the-sky attitude that everything is going to be terrific from the beginning."

Falwell said he expects the new board he appointed Thursday to proceed "very, very carefully" financially.

He sounded surprised to learn of a \$10 million dollar debt to Kansas contractor Roe Messner, who is building a 21-story hotel and other major projects at Heritage USA, PTL's headquarters south of Charlotte.

"My goodness," Falwell said.

**MARCH 24:**

## Swaggart Denies He Schemed

On a day of discord in the ranks of America's TV preachers, evangelist Jimmy Swaggart said Monday it is "totally false" that he schemed to expose allegations of sexual misconduct by Jim Bakker so he could take over the PTL television ministry.

In a videotape aired on the weekday PTL broadcast Monday, Bakker said publicity over an alleged sexual encoun-

ter with a New York church secretary seven years ago was "the first part of the plot of the downfall of PTL."

He said he resigned last week not because of the allegations or payment, which were being investigated by the *Observer*, but to thwart a "hostile takeover."

The charge was also made by Tulsa, Okla., evangelist Oral Roberts. Roberts, an occasional guest on PTL broadcasts, said an "individual, major ministry" and the "headquarters of a major denomination" had, in collusion with a major newspaper, sought to bring down a "young prophet of God."

Swaggart said he considers the "hostile takeover" charge to be a "smoke screen to get people's sympathy (and) to raise more money. I think they want to get people's minds off of Dortch and Bakker. And so they want to accuse me of bringing down Jim Bakker. . . . He brought himself down."

**MARCH 26**

## New Total For Pay-Off

PTL attorneys paid or set aside \$265,000 to benefit the New York woman whose allegations of a sexual encounter led to Jim Bakker's resignation a week ago. The payments include \$115,000 given to Jessica Hahn's representatives in February 1985 and a fund of \$150,000 from which the 27-year-old former church secretary has received monthly payments of \$800 to \$1,200.

Documents obtained Wednesday by the *Observer* disclosed the fund, which has operated since spring 1985. Hahn received \$10,045 in 1985 from the \$150,000, deposited in the Bank of Los Angeles.

The documents obtained by the *Observer* do not reveal the source of the money.

**APRIL 18**

## Bakkers Got \$1.6 Million

Jim and Tammy Bakker received nearly \$1.6 million in pay from the PTL television ministry last year, and an additional \$640,000 over the past three months, the *Observer* has learned.

Between January 1984 and last month, the former cohosts of PTL's weekday talk show drew a total of \$4.8 million in salary, bonuses and other pay-



ments, according to a source with access to ministry records.

Figures made available to the *Observer* show that other PTL executives — including PTL's new president, Richard Dortch, and both Bakker's personal aide and secretary — received bonuses in 1986 more than twice their yearly salaries.

The compensation figures apparently do not include pay received by family members such as the Bakkers' children and Dortch's wife, son and daughter.

They also apparently do not include all the executives' fringe benefits, such as the lakefront home Dortch lives in. The house is valued at \$256,170 for tax purposes.

In addition to a PTL home in a ministry compound on Lake Wylie, the Bakkers have been supplied cars, most recently Mercedes-Benzes. The ministry also has paid for their utilities, maids, grounds keepers and around-the-clock security.

In past statements on the air, Bakker has complained that the press misrepresented his financial resources and held an unfair standard for a minister's lifestyle.

**APRIL 28**

## PTL Money Pays Hahn

PTL President Richard Dortch used ministry money to pay Jessica Hahn, channeling the \$265,000 payment through PTL's building contractor, the *Observer* has learned. Dortch asked Kansas contractor Roe Messner to send the money to a California lawyer handling Hahn's complaint over a 1980 sexual encounter with Bakker.

According to sources, Dortch told Messner to include the expenditure on one of his company's invoices to PTL. PTL later paid the bill, the sources say.

New PTL Chairman Jerry Falwell confirmed the account Monday and said he believed Messner was manipulated. "I am personally convinced that Roe Messner is





**PTL STAFF MEMBERS CONSOLE EACH OTHER AT HERITAGE VILLAGE CHURCH AFTER HEARING THE NEWS OF JIM BAKKER'S RESIGNATION.**

an honorable businessman," Falwell said.

Falwell criticized PTL for using ministry money for Hahn.

"The part that bothers me most is that the settlement was on behalf of Jim Bakker, not PTL," Falwell said. "The sexual encounter was a result of Jim Bakker's misbehavior — not PTL's — and all settlements should have been covered by Rev. Bakker personally."

Falwell did not explicitly criticize Dortch who took the president's post when Bakker resigned March 19. Dortch is the only former PTL executive on the board Falwell appointed last month.

#### APRIL 28

### Tax Status of PTL Attacked

The IRS has told PTL it wants to revoke the TV ministry's tax-exempt status for 1981-1983 because a "substantial portion of PTL's net earning" those years went to benefit Jim Bakker, his relatives and other PTL officers, IRS documents show.

In a confidential 1985 report, the IRS contends Bakker was paid nearly \$1 million more than was reasonable those three years. It also asserts that Bakker and other officers spent money lavishly, holding \$8,000 dinner parties and renting \$350-a-night hotel rooms. And the IRS says PTL failed to report all of Bakker's income on his W-2 forms.

In a separate matter, the S.C. Tax Commission is demanding PTL pay \$5.5 million in penalties, interest and back taxes for 1984-1985, documents obtained by the *Observer* show.

#### APRIL 29

### Shakeup at the Top (of PTL)

The Rev. Jerry Falwell asserted control over PTL Tuesday, removing top aides to Jim and Tammy Bakker and de-

claring that the exiled evangelists had no future at the television ministry.

It was a day of upheaval.

The Rev. Richard Dortch, who succeeded Bakker as president last month, left the PTL ministry. David Taggart, Bakker's personal aide, was dismissed. And the Rev. Rex Humbard, a frequent guest on the former "Jim and Tammy Show," stepped down from the PTL board.

Ever since Falwell named Dortch to the new PTL board, questions persisted about Dortch's role in negotiating payments to Hahn and about multi-million dollar salaries and bonuses paid to Dortch, the Bakkers and other key PTL aides.

#### MAY 16

### \$92 Million Unaccounted For

As much as \$92 million in cash, a 1939 Rolls-Royce and scores of financial records are unaccounted for at PTL.

But the ministry's new executives on Friday stopped short of saying anything illegal had occurred. Federal agents approached the ministry this week concerning possible criminal violations, including wire fraud, tax fraud, extortion and other wrongdoing.

Said Jerry Nims, the ministry's chief executive officer, "Ninety-two million dollars is a lot of money not to be accounted for and it certainly does give you pause for reflection about what happened."

The ministry owes \$67 million — including \$8 million to TV stations and \$14 million to a building contractor. In California on Friday, San Jose television station KICU sued for \$140,000 in back payments and for breach of contract.

Nims hopes to avoid such lawsuits and foster goodwill among creditors by paying some money now towards debts. That's why the Rev. Jerry Falwell launched a "May Emergency" campaign

to raise \$7 million by May 31 and \$25 million more by the end of August.

#### MAY 22

### Extravagant Evangelism

As cohorts of PTL, Jim Bakker and his wife, Tammy, lived well. They didn't take a double room at the Ilachi Hotel in Hawaii, but the \$350-a-night presidential suite.

Tammy Bakker didn't buy one leather outfit on a trip to Washington. She bought 10.

The couple enjoyed a \$500,000 condominium on Florida's Gold Coast, with \$22,000 in floor-to-ceiling mirrors, a flight to Europe aboard the Concorde, a \$45,000-a-year housekeeper. Their doghouse was air-conditioned and heated.

Between the spring of 1983 and fall of 1986, the Bakkers acquired more than \$900,000 in cars, real estate and other property. Sometimes they spent their own money. Often they spent PTL's money.

Bakker often said God deserves the best, and in a November 1985 broadcast defended the expensive decoration of the Heritage Grand Hotel.

"The newspaper people think we should still be back in the trash," he told viewers. "They really think Christians ought to be shabby, tacky, crummy, worthless people because we threaten them when we have things as nice as they have. . . ."

"I'm excessive. Dear Lord, I'm excessive. . . . God is a great God. He deserves my best."

Other times, Bakker has pleaded poverty. Last September, he said, "There have been times over the last few years I didn't have \$500, even in my savings." But that year, 1986, the *Observer* reported in April, PTL paid the Bakkers \$1.6 million dollars. □

# Who's Watching the PACS?

## HONORABLE MENTION

by Mike Pigott  
NASHVILLE BANNER

.....  
*In response to the growing influence of state-level political action committees (PACs), the Nashville Banner investigated their activities in the Tennessee legislature. Reporters examined thousands of campaign transactions by several hundred PACs and more than 100 lawmakers. The 12-part series ran August 19-22, 25, 30, September 16, 23, 1986 and February 16-19, 1987.*

NASHVILLE— Brake repairs, a tape recorder, truck rentals, gasoline, medical bills, and thousands of dollars in travel expenses are among the strange uses some state legislators found for their campaign money last year. *The Nashville Banner* examined the disclosure documents for 209 candidates for legislative seats in 1986 and found:

◆ State election laws are so lax that no one is keeping track of the giving and spending, resulting in an unrestrained free-for-all involving millions of dollars. A total of \$3.5 million was given to Tennessee legislative candidates last year, with about one-third of that total easily traceable to political action committees (PACs) — special interests that pool their money and give contributions to candidates.

◆ Those PACs, inspired by a bare-knuckled legislative brawl over the state's liability insurance laws, have been handing out money at a record pace. The Tennessee Trial Lawyers Association, which doled out \$27,000 in 1983-84, led all special interests in spending by putting \$95,415 into legislative races during 1986 alone as it tried to compete with insurance firms, hospitals, and others in the spending war.

◆ Because state disclosure laws are fuzzy, some legislators simply state on their disclosures that they have spent their money for "campaign expenses" or "travel." Others leave a trail of unusual expenditures. For instance:

◆ Rep. Harold Love (D-Nashville) listed expenses of \$142.99, \$91.96, and \$17.00 for "medical treatment" in some of his disclosure forms. Love said if his

campaign workers are sick or injured — even in a non-campaign activity — he pays the bills from his election till.

◆ Guy Cain, another newly elected Democrat representative from Memphis, leased a car for \$1,000 in Mississippi, charging the expense to his campaign.

◆ Sen. John Ford, a Memphis Democrat who surpasses all his colleagues in collecting money from special interests, said in his primary election disclosure that he had used \$18,941 in campaign funds for "personal expenses." Ford's disclosure included payments of \$3,950 to Goldsmith's Department Store for video equipment and furniture, \$3,915 to Bradford's furniture, \$2,490 to General Motors Acceptance Corp., \$955 to Auto Rama Inc. for "auto expenses," \$730 to Bud Davis Cadillac, \$709 to a Mercedes Benz dealership, and \$289 to Mobil Oil. Ford, chair of the Senate General Welfare Committee and brother of U.S. Rep. Harold Ford (D-Memphis), even listed himself among "campaign workers" and paid himself \$500 for working for his own re-election effort. He was unopposed in both the primary and general elections.

◆ Some legislators rely very heavily on special interests for their funding. Depending on PACs for more than 70 percent of their funds in 1986 were Rep. Zane Whitson (R-Unicoi), Rep. Tom Wheeler (D-Clinton), and former Rep. Harper Brewer (D-Memphis), as well as Senators Curtis Person (R-Memphis) and Jim Lewis (D-South Pittsburg). Legislators who were unopposed in 1986 still managed to attract \$132,325 in contributions from special interests, records show.

A dozen candidates haven't filed the proper disclosure forms from the 1986 general elections, some hopefuls took what appear to be illegal corporate contributions, and some political action committees don't report their activities.

But no one is doing anything about it. "The problem is there is no firm mechanism for enforcement," state Attorney General Mike Cody said. "There is no person or agency assigned to make an investigation."

Rows of filing cabinets in the James K. Polk Building house the political

# Caucuses Filter PAC Dollars

Pick up a Tennessee legislator's financial disclosure statement, and chances are it'll list contributors such as the "House-Senate Democratic Caucus" and the "House Republican Caucus."

The names of these entities suggest they are bankrolled by the party faithful. But the caucus organizations are actually large bank accounts stuffed with special interest money and used in part to help incumbent lawmakers beat members of their own party. The caucuses and their campaign finance tactics comprise one little-known aspect of PACs.

◆ The House Republican Caucus, the Senate Republican Caucus, and the House-Senate Democratic Caucus are three key entities. Each has an annual fundraiser aimed at filling the tills.

◆ Two other funds — the House Democratic Caucus and the Senate Democratic Caucus — operate chiefly with funds sent to them by the House-Senate Democratic Caucus. The Senate Democratic Caucus hasn't been very active this year because its overseer, Sen. Bob Rochelle of Lebanon, was in the doghouse with some of his more partisan colleagues. The Democrats practically shut his fund down as a retaliatory measure and began drawing checks directly from the House-Senate Democratic Caucus.

◆ A sixth PAC fund, controlled by the state's three Constitutional officers, also gives money to legislators, who ultimately determine whether to re-elect the trio. That PAC — called the Tennessee Legislative Fund — exists on money given to it by special-interest PACs and numerous small donations. Administered by Secretary of State Gentry Crowell, Treasurer Harlan Mathews, and Comptroller William Snodgrass, the fund even took \$2,000 last year from the House-Senate Democratic Caucus, then turned around and paid it out to Democratic candidates.

## PACs Behind the Partisan PACs

Legislative Political Action Committees are fed with money from special interest PACs:

Fund	Number of PACs Giving in Past Year	PAC Dollars Given
House-Senate Democratic Caucus	64	\$ 50,900
Tennessee Legislative Fund	4	1,500
House Republican Caucus	48	25,600
Senate Republican Caucus	45	21,100

Note: The House Democratic Caucus and Senate Democratic Caucus are financed with money from the Senate-House Democratic Caucus. The Senate Democratic Caucus reported one separate PAC contribution of \$500 last year.

## The Biggest PAC Givers

Medical association	\$31,150	Political Action Committees for these interests gave the most to Tennessee legislative candidates in 1986.
Hospital association	\$31,200	
Highway contractors	\$33,013	
Liquor wholesalers	\$33,400	
South Central Bell	\$33,800	
Teachers' union (TEA)	\$ 36,700	
Beer wholesalers	\$38,700	
Realtors	\$58,350	
Trial lawyers	\$95,415	

Note: The figures do not include amounts the PACs gave to party organizations, where legislators also get campaign funds.  
Source: 1986 Political Action Committee disclosure reports.

The lawmakers' PACs carry "Republican" and "Democratic" labels, but their activities include trying to stifle challengers from within their own parties, according to campaign disclosure records through July 28.

A total of \$27,000 was given by the House-Senate Democratic Caucus to the campaigns of Rochelle, Bill Richardson of Columbia, Bill Owen of Knoxville, Avon Williams of Nashville, Jim Lewis of South Pittsburg, Tommy Burks of Monterey, and Frank Lashlee of Camden. All of these Democrats had op-

position from within their own party and all won with the help of caucus money.

A total of \$10,500 was doled out by the House Democratic Caucus to 14 different Democrats who were challenged in the primary. Another \$2,114 was given by the House Republican Caucus to five candidates with Republican opponents.

— Mike Pigott and Bruce Dobie

disclosure documents of Tennessee candidates. It's a time-consuming task to pore over the hundreds of documents detailing thousands of contributions. The constant shifting of money from one PAC to another makes tracing funds an even tougher job. But Cody is certain that if the state legislature would create an overseer, plenty of problems would come to light.

The *Nashville Banner* found these irregularities:

◆ Several PACs haven't filed their required January disclosures, and a few active PACs haven't filed a disclosure for years. The Memphis-based Federal Express Corp., for example, hasn't filed a required January disclosure.

◆ Corporations give what appear to

be direct, illegal contributions to both PACs and candidates. Unsuccessful state senate candidate Harold Lingerfelt of Elizabeth, for instance, listed a contribution from Nick Carter's Aircraft Engineering, and Sen. Bill Owen (D-Knoxville) listed a contribution from a trucking firm.

◆ There is no solid filing system for PAC disclosures, resulting in plenty of confusion. For instance, half of the Tennessee Realtors' 1986 PAC disclosures are filed under "R" for realtors, while the other half are filed under "T" for Tennessee.

◆ Additional confusion is generated by the fact that the state disclosure laws and forms are different from those on the federal level. As a result, PACs like the

ones for Third National Bank and the Tennessee Medical Association filed federal disclosure forms for state legislative races.

◆ As of February 17, 12 candidates for the legislature in 1986 had not filed some or all of the required disclosure documents for their races.

Though modern state disclosure laws went into effect in 1980, there has been only one occasion on which the state attorney general took formal action against a candidate. That was in 1980, when then-Attorney General William Leech filed a Chancery Court complaint against then-state Rep. Dedrick "Teddy" Withers, who later paid a monetary settlement. A PAC has never been prosecuted or sued for misconduct. □

# The Yankee Lake Deal

## HONORABLE MENTION

by Roger Roy, Jim Eusner  
and Mark Andrews  
*Orlando Sentinel*

Even by Florida standards of real estate wheeler-dealers, Jenó Paulucci is awesome. With \$126 million worth of property in central Florida's Seminole County, he commands respect — or fear — from local governments and land-use planners. In a startling inquiry into Paulucci's latest venture, three Orlando Sentinel reporters demonstrated how the pizza king and developer pitted city and county governments against one another and parlayed a wilderness of mostly sand and swamp into millions of dollars — all at local taxpayers' expense.

SEMINOLE COUNTY— They voted on the deal with Jenó Paulucci at two a.m., but by then it was little more than a formality. The deal had been arranged in two months of private negotiations. The votes had been lined up in closed-door briefings days earlier. Secrecy had guaranteed success.

The outcome would surprise only the public.

With four "ayes," Seminole County commissioners bought 2,867 acres of mostly swamp and sand at Yankee Lake from Paulucci for a mammoth sewage treatment and disposal plant, spent \$7.5 million on their biggest land purchase ever, and abruptly changed a decade of planning for much of the county's future.

As they congratulated themselves, the commissioners did not mention that they were taking a risk with public money. Or that they had suddenly el-

bowed the city of Sanford out of its only solution to a growing pollution crisis.

They especially did not mention what has since become very clear — that the major benefactor of the deal was not the residents of Seminole County but Paulucci, the county's richest and perhaps most powerful resident.

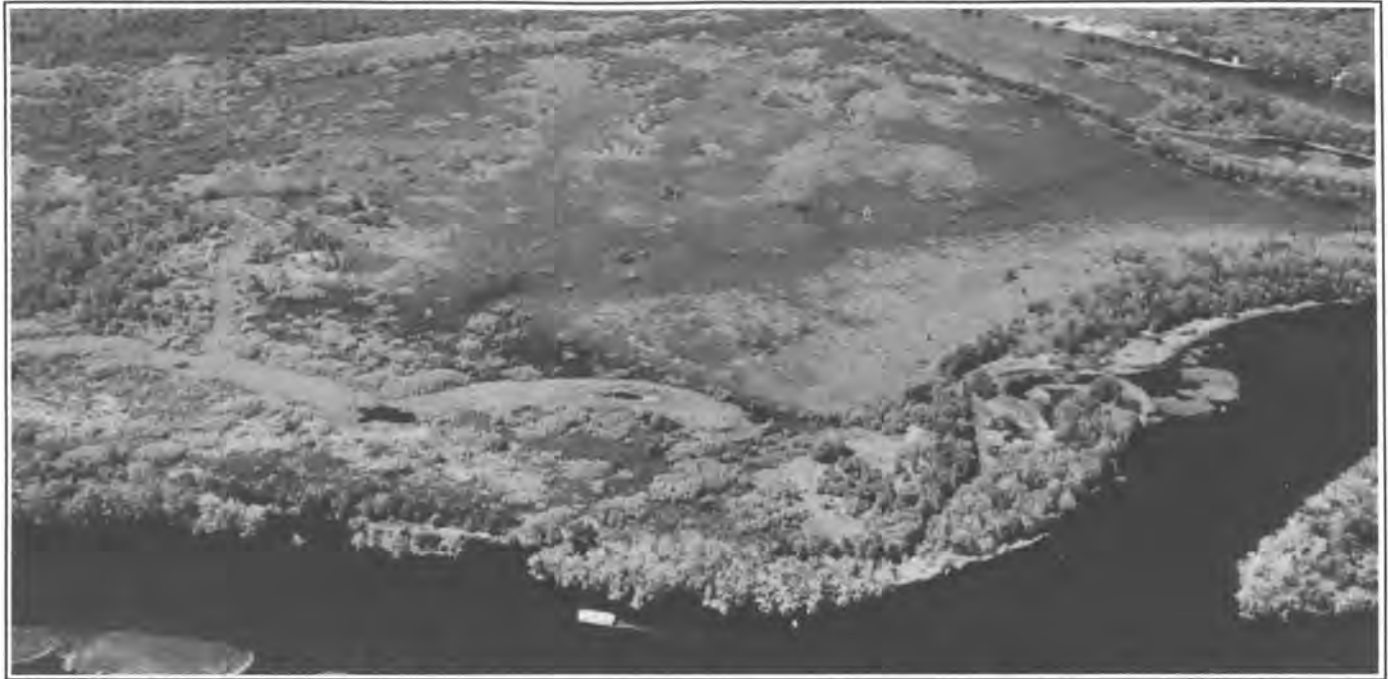
Paulucci made \$4 million cash on the Yankee Lake deal, more than doubling his money on an 11-month investment. But Paulucci, already with a fortune estimated at \$450 million, got something perhaps even more valuable: a government guarantee that he will get all the sewage treatment capacity he needs to develop thousands of acres he controls in Seminole County.

What led to that early morning vote is a story that, in its simplest terms, is about swamps and sewage, the small city that lost out and the millionaire developer who made still another fortune.

More than that, it is another chapter in the bigger story of Florida's growth: how politically influential developers often benefit from the way local governments spend public money.

In the first week of August 1985, Jim Bible, the man who runs Seminole County's utilities, met privately with the men who run Jenó Paulucci's development empire at the offices of the developer's posh Heathrow community.

On its surface, the meeting was only about sewage: a plan by Heathrow officials to build a large treatment plant and



SEMINOLE COUNTY BOUGHT THE YANKEE LAKE PROPERTY, BORDERED BY THE ST. JOHNS RIVER, FROM JENO PAULUCCI OF JENO'S

PIZZA FAME. DESTINED FOR A MAJOR SEWAGE TREATMENT OPERATION, IT HAS BECOME THE CENTER OF CONTROVERSY.

the county's objection to it. But the real issues were money and a subtle struggle between Seminole and Sanford for control of utilities in the rapidly growing northern part of the county.

Paulucci controls thousands of acres of prime real estate in Seminole County, but most of it is undeveloped. Vacant property is worth what can be built there, and little can be built without sewage service.

In mid-1985, figuring out how to get sewage service was one of Paulucci's major unsolved problems. His solution, and the focus of the meeting with Bible, was a plan to build a plant that could treat five million gallons of waste a day on 60 acres he owns near Interstate 4 and County Road 46A, just outside the northeast corner of Paulucci's exclusive 1,268-acre Heathrow project.

Bible hated the idea. The plant would be bigger than any of the county's. Just four months on the job, Bible wasn't eager to contend with a large sewage operation owned by the county's most powerful developer.

What Bible said he discovered was that Heathrow officials weren't so thrilled with their own idea. The plant would cost millions to build. When they began to discuss whether there was an alternative that could satisfy both sides, a deal began to take shape. Paulucci's right-hand man, Roger Soderstrom, would drop plans for the Heathrow plant

if Bible would start pushing his bosses for a county-built plant that could service Heathrow and Paulucci's future developments.

Soderstrom even offered to help. Bible said Soderstrom told him, "We've got a piece of property that might work." Soderstrom explained that Paulucci owned a large chunk of northwest Seminole County at Yankee Lake. And it was for sale.

The city of Sanford, under threat by state environmental officials, was already trying to get the Yankee Lake property to dispose of its sewage. For decades the city has dumped its treated sewage into Lake Monroe, a 15-square-mile wide spot in the St. Johns River. In 1981, the Florida Department of Environmental Regulation ordered the city to stop.

If treated sewage can't be dumped into the lake, it must be dumped on land and allowed to soak in or evaporate. Buying enough land would cost millions of dollars, and the city fought the DER order. In late 1983, city officials hedged their bet and began scouting around for property.

By November 1983, Sanford had hired engineers to check out nine potential sites. By December, the engineers were pretty sure that only one, Yankee Lake, had any chance of working. By the time Sanford was ready to make an offer, Yankee Lake had been bought by

Paulucci. But he had no interest in selling the property for a sewage treatment operation that wouldn't serve his developments.

Instead, Paulucci sold the land to Seminole County for \$1.4 million more than the city's highest offer. The county also agreed to provide Paulucci's planned developments with sewage service and to make other concessions the city would not, or could not, make.

The county did it without the usual — some say essential — appraisals, engineering studies, advance notice and public discussions. In fact, the critics said, the county's actions seemed designed to prevent scrutiny of the deal before it had become a reality, although county officials bristle at that suggestion.

Even if no laws were broken, what was done and the way it was done raise several issues:

◆ When the county's and Paulucci's representatives met in a series of private sessions at which they worked out the deal, there was an unusual representative at the negotiating table: an engineer from the same firm that Sanford had hired to evaluate sewage disposal sites for the city.

The same engineering firm that was persuading Sanford to buy Yankee Lake also was working for Paulucci — while Paulucci was trying to make sure that it was the county, rather than the city, that

obtained Yankee Lake. The firm — Conklin, Porter and Holmes Engineers — had inside information that was crucial to the success of Sanford's plans. But the engineers never informed the city in writing that they were also on Paulucci's payroll. State law requires written notice if engineers have a conflict of interest.

◆ Paulucci's family, companies and associates made political contributions of thousands of dollars to county commissioners' campaigns during the past few years. One commissioner, Bob Sturm, raised more than \$20,000 at a fund-raising party at Paulucci's Heathrow Country Club last year.

◆ County officials might have paid much more for the Yankee Lake property than they needed to. Paulucci was in a position either to take what the county was willing to offer or, within weeks, face a certain condemnation lawsuit by Sanford to take the property. The only firm numbers of the property's value that the county had were two appraisals done for Sanford — the higher about \$5.6 million — and a half-finished appraisal the county requested just weeks before it bought the property.

County officials seem unconcerned about whether they spent too much of the public's money for it. "I know the price of property," Commissioner Bill Kirchoff said. "It looked like a fair enough price for the land."

◆ Much of the county's reasoning for buying Yankee Lake — that the county needs a huge sewage plant and that one can be built on the environmentally sensitive tract — was based on little more than guesswork. State officials could ultimately kill the project for environmental reasons, a move that would throw a very expensive wrench into the county's plans.

Jim Hulbert, head of the Florida Department of Environmental Regulation's Orlando laboratory, said he believes that the agency will block any plan that would put wastewater into the St. Johns River.

Since buying the Yankee Lake property 18 months ago, county officials have remained confident they will get the approvals they need to make the project a success — despite concerns like those of Hulbert's.

County utilities chief Jim Bible said, "The more we find out about the site and its potential for what it can do for us, the more comfortable we are." Which is pre-

cisely why the turn of events two weeks ago at a routine hearing shocked county officials.

The Board of Zoning Adjustment, appointed by the county commission itself, was considering the county's request for the zoning approval needed to build the plant. Compared with the complex environmental reviews by the DER and the St. Johns River Water Management District that are still ahead, the rezoning was supposed to be an open-and-shut issue, almost a rubber-stamp approval of the county's plans.

Bible gave a brief description of the project and assured the board and the audience that it wouldn't harm the St. Johns and Wekiva rivers. Instead of a 15-minute hearing and quick approval, Bible found himself uncomfortably defending the project during nearly two hours of pointed questions from the public and the zoning board:

Where were the soil tests and borings

supporting the plan? If this was a regional sewage plant, why didn't it include the city of Sanford, which was working on a plan to buy Yankee Lake when Seminole suddenly stepped in to buy it in a two a.m. vote? Had county officials actually refused to turn over documents about the plant to the public?

In the end, after a brief discussion of the possibility of denying the zoning request, the board voted four to one to delay the decision for 30 days, a delay that Bible had warned could jeopardize the project.

For Bible and the other top county officials, it was an embarrassing blow. But Bible and other county officials said they are confident that they eventually may be allowed to treat 40 million gallons of sewage a day at Yankee Lake, enough to serve 133,000 homes.

"I hear those numbers and just say, 'Wow!'" said Bill Bostwick, DER's deputy district manager in Orlando. The county's figures, he said, may be "a lot of wishful thinking."

By the time environmental studies are done, the county will have spent more than \$20 million for land, engineering work and construction of the project's first phase.

Jeno Paulucci bristles when critics try to characterize Yankee Lake as his deal, or a shrewd handling of the city and county governments to make money, or an attempt to have the county solve his problems at the expense of Sanford and the public.

Paulucci said those characterizations are lies. His view is perhaps best summed up in a brief note he wrote to County Commissioner Bill Kirchoff, who made the motion to buy Yankee Lake, just hours after the commission had voted for the deal.

"It was nice talking to you yesterday from Minneapolis, Bill," the note began.

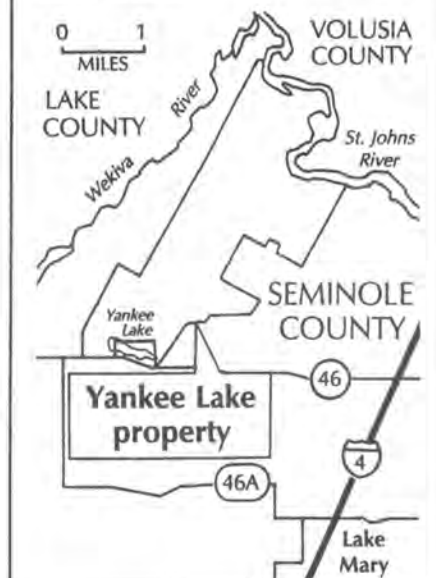
"I am very pleased that we were able to work this out and that the county confirmed the purchase last night," it went on.

"To me, and I am sure to you and the rest of the county commissioners, it is living evidence of a very fine working relationship between the county commissioners and the Paulucci family and the Heathrow management. It is this type of cooperation I have always felt has been needed between the private sector and the public sector and you can expect us to continue to cooperate accordingly for the mutual benefit of the general public.

"Kindest regards, Jeno F. Paulucci." □



JENO PAULUCCI



# Teen Pregnancy: An Alabama Tragedy

by Rose Wojnar  
ALABAMA JOURNAL

*For a week, from September 29 to October 3, 1986, the Alabama Journal examined the causes, results, remedies and costs of Alabama's high rate of teen-age pregnancy — the fourth highest in the nation. A teenager gives birth in the state every 49 minutes. The 20-article series, written by Rose Wojnar, Emily Bentley, Dwayne Hood, and Peggy Roberts, examined sex education, analyzed programs for teen-age mothers, and offered vivid portraits of the teens whose futures — and whose babies — are jeopardized by poverty and early pregnancy. The newspaper sent a tabloid reprint of the series to 4,000 legislators, educators, health officials, and other policy makers.*

**OPELIKA**— Pamela is 15. She spends a lot of time thinking about school, rock 'n' roll, being with friends. In these carefree days of adolescence, Pamela should be celebrating the best years of her life. Still a child in many ways, Pamela — not her real name — has been thrust into the sober realities of adulthood.

Just a few years after putting aside her dolls, Pamela must now care for a very real 12-week-old boy — her own. The Opelika girl discovered she was pregnant when she was 14, just a few months after she began menstruating. Neither she nor her 19-year-old boyfriend used birth control.

Pamela's mother says her daughter is irresponsible about taking care of the child. She leaves the baby unattended, isn't concerned with the baby's medical care and takes little responsibility for his welfare.

The baby's father is unemployed. He provides no care or financial support for the child.

Pamela's case may seem unusual.

But she is far from alone. Alabama had the fourth highest teen birth rate in the nation in 1984. Last year, 10,689 babies were born to women under age 20. That number is larger than the populations of Wetumpka, Millbrook or Tallassee — and another 389 of Alabama's 435 cities.

During a two-month investigation, the *Alabama Journal* has learned:

- ◆ Somewhere, an Alabama teen gives birth every 49 minutes.
- ◆ Statistics indicate Alabama consistently ranks among the states with the highest teen birth rates. One in five births here in 1984 was to a teen mother.
- ◆ Experts say there may be twice as many teen pregnancies as births.
- ◆ Alabama has the fifth highest infant mortality rate in the nation.
- ◆ Teens are getting pregnant at a younger age and more teenagers are having two or three babies before they reach 20.
- ◆ Pregnant teens cost Alabama taxpayers at least \$97 million last year.

# A Teen Mom Tells Her Story

I went into labor in school.

I was walking to class when I went . . . when my water broke. I didn't know I was in labor; I thought I was freaking out.

Somebody told me . . . my friend told me I was fixin' to have my baby. I told her my clothes were wet and she told me my water had broke.

I said, "No, it didn't." I thought I had peed on myself.

She said, "It's your water," and I said, "No, it isn't," and she said, "Yes, it is," and I said, "No, it isn't."

She said, "Yes, it is." Then she dragged me to the bathroom 'cause she didn't want anything to happen to me.

This was in the hallway. And people were in the bathroom and so were a couple of people I knew. So a girl came in that was going to class, and I told her I was fixin' to have my baby, and she went and told the teacher.

And so the whole school found out. The whole school knew I was having my baby . . . the whole school by first period.

My water broke at 8 o'clock — 8 o'clock on the head. My baby knows how to tell time. I had my first contraction at 8:20 a.m. — in the school building.

I was on the pill for about six months, and I had gotten off it because this guy I got pregnant by, he was a new guy. I had just started seeing him, and I didn't think I was going to go to bed with him. And when I did, I said, "Well, I guess I better get back on the pill."

But I didn't get a chance. I got pregnant. . . .

At first I was very embarrassed for people to know I was pregnant.

And I gained weight. That's the most I ever weighed, 140 pounds.

I had a good idea when I did it that I was pregnant. I didn't know, I mean I wasn't absolutely, positive sure . . . but I kinda knew it, and I believe he did

too, because after that I didn't see him no more.

Oh, I've seen him a couple of times, but he's not being a good daddy.

You know, he's not being a father. I would want him to take care of my baby. But he's still in high school, and all he wants to do is play football.

At first I wanted us to get back together — my baby's father and me — real bad because I always thought families are supposed to be together.

I wanted my boy to be his only baby.

But he and I didn't have a real good relationship. That baby came from fooling around. That's the honest truth, I'm telling you.

I'm living with my foster parents — have been since I was 13 or 14.

For me to be 17 years old and living under somebody else's roof — they don't do that much for me. . . . I do everything I can not to have to ask anybody for anything, but my baby doesn't go without, either.

If I have to swallow my pride and ask for some money, I will, but I've only asked for money one time.

I only had one more year in school to go. I thought I had made it too, boy.

I always was worried about getting pregnant, you know. I said, "God, I know I'm not going to get pregnant in 12th grade." A lot of girls in 12th grade got pregnant.

The timing was just right for me, though. I got a summer job before he started eating cereal. . . . Now I am in OIC (Opportunities Industrialization Center) and I get paid for that, you know.

When I get through with classes, they'll help me find a job.

I want to be on my own even though I know I can't be on my own right now.

It's just that you don't ever think it's going to be you, you always think it's going to be the other person.

- ◆ Some \$71 million a year in state Aid to Dependent Children goes to women who gave birth to children while in their teens.
- ◆ Despite a long history of high teen-birth rates in Alabama, officials have not devised any statewide solutions to the problem.
- ◆ Unlike many other states, Alabama has no state-mandated sex education program for public schools. And although studies show that sex education and school-based clinics that distribute contraceptives can help reduce the incidence of teen pregnancy, Alabama officials have no immediate plans for similar programs.
- ◆ The percentage of births to black teen-agers in Alabama is higher than the rate of births to white teens. But the number of white teen-agers having babies exceeds the number for black teens.
- ◆ The percentage of out-of-wedlock births to teen-agers is growing. In 1984, they accounted for more than half of the births to teen-age girls.
- ◆ The teen birth rate is higher among Alabama's low-income counties.

Alabama officials don't keep track of the number of teen pregnancies or abortions. But some experts say there may have been as many as 20,530 teen pregnancies in Alabama in 1981.

The figure is based on a formula from the New York-based Alan Guttmacher Institute, which estimated 114 teen pregnancies per 1,000 teen-agers in Alabama that year. That's more than one pregnancy for every 10 teen-age girls. Faye Baggiano, Alabama's Medicaid Agency commissioner, said she believes that for every live birth to a teen, there is one abortion. In that case, there could have been as many as 21,378 pregnant teen-agers in Alabama in 1985, or more than six pregnancies for every 100 teen-age girls.

Although experts can't agree on the numbers, they do agree that teen-age pregnancy is a tragedy — in the cost to the girls, their babies, and society.

An estimate by the *Alabama Journal*, based on figures supplied by state officials, indicates teen-age births cost Alabama taxpayers at least \$97.7 million last year. That figure includes welfare benefits to women who had children during adolescence, food stamp costs, and Medicaid expenses for delivery and



health care for the baby for one year. But it doesn't include costs for subsidized housing, some prenatal care for pregnant teens, and federal food supplements for children and mothers — which could add millions of dollars a year to the bill.

State officials and other leaders attribute the rate to Alabama's low per capita income, a lack of communication between parents and children about sex and values, and the absence of sex education programs in Alabama's schools.

For years, Alabama has had one of the nation's highest teen birth rates. In 1984, the percentage of births to Alabama teens was 18.2 percent. Alabama followed Mississippi, Arkansas and Kentucky in the rate of babies born to teens.

The number of out-of-wedlock births to teens continues to increase. Fifty-five percent of the infants born to teen-agers in 1985 were illegitimate. That compares with 51 percent in 1982 and 46 percent in 1977.

The picture is even bleaker in Montgomery County. In 1985, Montgomery County teen-agers had 529 babies. Seventy-six percent of those babies were born to unmarried girls.

Illegitimate teen births occur more often among blacks than whites, state records show. In 1984, for example, nearly nine out of 10 teen births to "non-whites" occurred outside of marriage.

Even more striking, it appears that many teens are having more than one baby before they reach 20. In 1985, nearly 20 percent of pregnant teens were having their second child. Another 3.4 percent were pregnant for the third time, while 0.6 percent had their fourth child.

In Montgomery County, the figures were similar — except here, 1.1 percent of pregnant teens were on their fourth pregnancy.

The babies face a more disturbing possibility — death. Alabama had the nation's fifth highest infant mortality rate in 1985. For every 1,000 live births, more than 12 did not survive their first year. That means every 12 hours, an infant less than a year old dies in Alabama.

The cost for this is enormous. Alabama spends about \$9.7 million a year to take care of low birth weight infants born to teens and requiring treatment in a neo-natal intensive care unit.

The figures alone are alarming. But fill in the pieces and the scene becomes

## The Teen Father's Role

by Emily Bentley

Frankie, 20, lives in a Montgomery housing project. Standing with his friends at an empty storefront across from the project, he is close enough to check in on his four children.

Two of them he fathered with a 16-year-old girl. The other two he fathered with a 36-year-old. Both partners live in the neighborhood — the younger one with her parents.

"But I see her a lot, and I help out with the kids," Frankie said. Frankie is proud of his offspring, and his friends seem to admire him and his virility. His buddies say there are plenty of teen-age guys in the project who know how it feels to be a father.

"Just wait 'til they all get home from school," said one boy. "Some guys won't admit it when someone says their baby is his," he added.

But Frankie said he cares about his children, although he didn't know all their names. "I don't keep up with all their names," he said.

Frankie said he met the 16-year-old girl in the housing project. "I care about her," he said, adding that he had sex with the girl because "I wanted to share a part of her."

"I did want a child; I love her," he added. "I see her a lot. She lives just around the corner over there."

Frankie is married to a third woman and said he's trying to start a family with her.

He said his 16-year-old girlfriend is going to school, and her babies stay in a day-care home during the day. He said she doesn't mind having the children.

"I love my children and I want to have another baby with her before she turns 18."

Meanwhile, 17-year-old Robert says he would rather spend time with his 5-month-old son than hang out with his friends the way he used to before the baby was born.

Robert, not his real name, doesn't live with the baby's mother, but he cares for the child nearly every weekend

and about three days during the week at his mother's Birmingham home. And he saves \$60 a week from his job as a restaurant busboy to help support the child. He says he has no immediate plans to marry the baby's 16-year-old mother, but he has gone to court to have the child's name legally changed to match his.

"Having a baby doesn't make me feel tied down," he said. "I don't hang around with my friends as much anymore, and I have to put money aside, but those are my decisions."

A high school drop-out, Robert is working to get his general equivalency diploma and plans to enlist in the Army next year.

Robert dated the baby's mother for a year before she became pregnant. Actually, they had stopped going together when she discovered she was pregnant, and she didn't tell him until she was six months along.

They hadn't used any birth control, but abortion wasn't even an option. "I wouldn't have let her get one," he said.

Robert wasn't at the hospital when his son was born, something he regrets now. But his attitude toward the baby's mother and just about everything else in his life changed after the birth.

Although he still dates other girls, he said the baby has brought them closer. The baby's mother, still in high school, would like to think they will one day get married, said Robert.

"She says, 'I hope he won't have to have a stepfather.' But I tell her that won't ever happen — even if we don't get married."

Robert likes dressing up his son in the same style clothes he wears and glows when people say the baby looks like him.

He imagines rearing his son to be just like him, minus the mistakes. "I just want him to follow in my footsteps. But I want him to play football in college."

even grimmer. It becomes a landscape of wasted human potential.

Statistics indicate that 90 percent of a teen-age mother's "life script" is written from the moment she has her baby. She won't finish high school. She'll join the welfare rolls. What's more, she'll probably stay on welfare the rest of her life. And her child — if he lives — probably will repeat the cycle.

State officials and educators offer varying reasons why the teen birth rate here is so high. They say poverty is one reason. In 1984, Alabama's per-capita income was 46th in the nation, state records show. Research indicates poor teen-agers are more likely to get pregnant and have babies.

In Perry County, the poorest county in the state in 1983, 23.4 percent of the births were to teen-age girls. But in Madison County — the richest county in 1983 — only 15.7 percent of births were to teens.

Rose Sanders, a Selma lawyer, offers a number of reasons why poor teens tend to have more babies. She wrote "Babycakes," a musical that explores the problems of teen pregnancy and teenagers' attitude about sex.

Sanders said when "the frustrations and the hopelessness [caused by poverty] intensify . . . you see, more kids find relief in a partner."

Also, she speculated, poor teens may be drawn to have a child out of a longing

## Myths Teens Have About Sex

*These are some of the incorrect beliefs many teen-agers have about pregnancy and sexual activity, according to local health officials. All of these are false.*

- ◆ You can't get pregnant the first time you have sex.
- ◆ You can't get pregnant standing up.
- ◆ You can't get pregnant if you have sex in the bathtub.
- ◆ You can't get pregnant if you douche, especially with a soft drink, after intercourse.
- ◆ The household cleanser "Comet" will kill venereal disease.
- ◆ Carrying heavy items will stop a pregnancy.

for material goods. A poor girl may see a baby as richer girls see a stereo or automobile — something they can call their own.

In addition, poor teen-agers — because they have little hope of going to college or getting a job — "need ways to save their self-esteem," Sanders explained. "Having a baby is a miraculous thing."

Ralph Spiga, an assistant professor of psychology at Auburn University at

Montgomery, said Alabama has many "risk factors" associated with sexual activity.

For example, the increasing number of single-parent households and working mothers means teen-agers are more likely to encounter adult situations — including opportunities for sex. Also, single parents may not be with their children, leaving questions that may have to be answered solely by a teen's peers, Spiga theorized.

Larry Rodick, executive director of Planned Parenthood of Alabama Inc., said he thinks the birth rate to teens is high here due to a "lack of access to sex education and a lack of access to birth control" as well as to poverty. He points to studies that show sex-education classes in school have led to a decrease in teen pregnancies and sexual activity. A recent study by Johns Hopkins University in Baltimore found inner-city black girls who took part in a sex-education program had fewer pregnancies than girls who didn't participate.

While officials tend to agree that sex education and information about birth control can help lower the incidence of teen pregnancy, most of the state's schools lack those programs. Some officials say Alabama's traditionally conservative climate and the strong influence of the church have stifled efforts to teach children about birth control, as well as hampered government efforts to address teen pregnancy.

Others say religion has nothing to do with it, pointing instead to a lack of leadership and the attitude — until recently — that teen-age pregnancy was a "black problem."

But that perception is changing. The state Department of Public Health has initiated a task force that is examining the problems of teen-age pregnancy and infant mortality. By April, the task force is to have recommendations for the legislature.

Meanwhile, officials with Alabama's Medicaid agency are launching a multi-pronged effort to educate teen-agers and the public about the problems and consequences of being a teen mother.

The Alabama Council on Adolescent Pregnancy unites state officials, academics, religious organizations, professional and parent groups into an organization that will explore the economic problems associated with teen pregnancy.

Why the sudden concern?

### TEEN BABIES ARE MORE LIKELY TO NEED EXTRA CARE.



Kay Johnson, a health program associate with the Washington-based Children's Defense Fund, said officials are looking more seriously at the problem because "the consequences of birth are more serious." With the number of pregnant, unmarried teens increasing and the high divorce rate, "the ability [for pregnant teens] to earn a living and become self-sufficient has been changing," she said.

During the 1960's, if a teen-ager had a baby, she probably dropped out of school, got married, and her husband got a minimum-wage job. Today, a pregnant teen is "10 years out of sync with her peers," Johnson explained.

Not only is it harder for teen-agers to deal with pregnancy, officials said, it's harder for society to foot the bill. Fox said he believes there's been increasing awareness of the "unnecessary health care cost" of pregnant teens and teen mothers. For example, the average stay in the hospital for a low birth weight baby is almost 20 days, at a cost of between \$12,000 and \$13,000.

But there's another reason teen pregnancy has become a hot issue, officials acknowledge. It is no longer a problem plaguing only low-income groups. Teen pregnancy now cuts across all lines of race and income.

Sanders said she believes leaders are

being spurred to action because more white girls are becoming pregnant. Before, she said, they were less concerned because it was considered a problem affecting only blacks.

Baggiano points to a lack of leadership. She said many people are just beginning to realize the extent of the problem. The only previous instance of state officials taking action, she said, was in 1980 when the state Department of Pensions and Security, now the Department of Human Resources, held a conference on the issue. "No one has ever done anything. You have to have someone take a leadership role." □

# The Pamlico's Troubled Waters

## HONORABLE MENTION

by Frank Tursi  
*Winston-Salem Journal*

As much as 70 percent of the commercially important fish caught in North Carolina depend on the Pamlico estuary during some stage of their development. But this vast aquatic nursery—the nation's second largest—is in serious danger. From April 5 to April 9, 1987, Frank Tursi and Paul Haskins of the Winston-Salem Journal examined the problems of the Pamlico River and the lessons to be learned from the slowly revived Chesapeake Bay. Their 15-article series, unusual for an upstate newspaper, brought new attention to a resource in need of vigorous, concerted political relief.

**BAYVIEW** — For a week in the summer of 1984, the Pamlico River all but died.

A layer of water, its oxygen used up, settled along the bottom. It stretched down the entire 39 miles of the river. It fanned out ominously into Pamlico Sound and snaked its way south and up the Neuse River. Nothing could live in it. Fish fled before it. The thousands that couldn't bellied up and floated to the surface.

Such things — on a smaller scale — have been occurring on the river whenever the weather's right. No one, though, can remember anything as extensive happening before.

Anoxia is what scientists call it. Commercial fishermen who work the river have a more fitting name: dead water.

The big dead-water episode of 1984 ended in a week after winds mixed the layers of water in the river, but fishermen and scientists remained disturbed because it wasn't the only sign that things weren't right on the Pamlico. Earlier that year, a fish disease no one had seen before started showing up in menhaden. It

wasn't the usual red sore disease. This was nastier, eating through the flesh and leaving gaping holes in its victims. Some fish had half their heads eaten away, others trailed their intestines from holes in their stomachs. Millions died.

The fish disease has been back every year since, as has the dead water. Though nothing to match the magnitude of two years ago, the anoxic conditions get gradually worse, fishermen say, suffocating blue-claw crabs unfortunate enough to be stuck in traps and killing flounder in fishing nets.

The disease also seems to be getting worse, sometimes affecting 90 percent of the menhaden in the river to one degree or another. Other species haven't been immune. Sea trout, silver perch, flounder and pinfish have all been susceptible.

The fish, B.J. Copeland said, are trying to tell us something. A biologist who heads the state's Sea Grant program, Copeland has spent his life studying places like the Pamlico. "Fish diseases don't arise because of the hell of it," he said. "They come because there's a change in the environment, most likely a water-quality problem."

Mysterious fish diseases and dead water would be cause enough for concern, but the signs that there is trouble on the Pamlico are many and unmistakable. The underwater sea grasses, which grew in thick stands up and down the river, disappeared by 1980 and have not grown back. Oyster beds have retreated 10 to 15 miles downriver since the late 1940s, and more than 40,000 acres of shellfish beds were closed to fishing in 1985 because of bacterial contamination. Algal blooms are getting worse, the

evidence suggests, and are contributing to the anoxia problems and, as could be expected with this litany of woes, commercial fish catches have declined dramatically in the region since the early 1980s.

That last may be the most disturbing, since the river is an important fish nursery, or estuary. It is part of the vast Albemarle-Pamlico estuary, 2,500 square miles of water that is the second-largest estuary in the country after the Chesapeake Bay. Fisheries experts estimate that 60 percent to 70 percent of the commercially important species of fish caught in the state each year depend on the river and Pamlico Sound during some stage of their development.

The river is showing signs of stress, Marine Fisheries Division official Terry Sholar says. It is almost as if its life forces are being slowly drained away.

Years of man's dumping have brought the river to this stage. The Pamlico is really a settling pond for the Tar River, which drains 16 counties in the coastal and piedmont sections of the state. Down the river come the wastes of modern society: herbicides and pesticides, nitrogen and phosphorus, heavy metals and toxins. Eventually, they end up in the Pamlico.

Add to that mix the waste that enters the river from Texasgulf Chemicals Co., which operates the world's largest open pit phosphate mine and several fertilizer chemical plants on the south bank of the river.

Maybe most damaging of all, though, is the fresh water that enters the river mainly from the extensive series of ditches and canals that were dug to drain the swampy land so that farmers could grow soybeans and winter wheat. Too much fresh water is really just another form of pollution to a brackish river like the Pamlico, and it's beginning to take its toll. The ditches and canals have changed the area's natural drainage pattern and there now is evidence to suggest that the river's average salinity has dropped because of it.

It's still a pretty river, one of magnificent sunsets and bountiful wildlife. A ride in a boat down its length reveals huge flocks of snow geese bobbing along in South Creek, osprey nesting atop channel markers, herons stalking the flats in Chocowinity Bay, brown pelicans diving ungainly into the water to feed.

"We're not in the shape the Chesapeake is in," Copeland said. "We have



THE LARGEST OPEN-PIT PHOSPHATE MINE IN THE WORLD, OWNED BY TEXASGULF CHEMICAL CO., CONTRIBUTES THE LARGEST AMOUNT OF PHOSPHOROUS TO THE PAMLIICO RIVER.

opportunities here, but the signals are there, and it would be irresponsible of us to wait until those signals become death knells. We have an opportunity here in North Carolina to do something good and right."

Dallas Ormond, 46, is typical of the fishermen who work the river. He grew up on the Pamlico — born and raised in Bayview, a small fishing village just down U.S. 264 from Bath. He's fished the river all his life and been a full-time commercial fisherman for the past 14 years.

"The way I look at it, you take Mother Nature and you take man," Ormond explained as he sat in his living room smoking his pipe.

"Mother Nature's got a water quality out there that's been there for years. Man come along, and he takes that same water and he'll shuffle it around and he'll put this and that into it. He'll do whatever he wants to with it to benefit man. And when he gets through with it, he puts it back in the river.

"The state has a standard for discharging that is so flimflammy and so weak that it shouldn't never be allowed to be discharged in the water out there."

The state's inability or lack of desire to protect the river is a common complaint among the fishermen. State officials, they say, sit in Raleigh, passing laws but doing little to stop the pollution

from entering the river.

"Everything has a regulation," Ormond said wearily. "And what happens is that the basic looking after our natural resources gets lost. It's got tied up in bureaucratic politics, and our river is gone. And it shouldn't be that way. Our river is here for everybody to enjoy, not for someone to abuse."

The source of the river's problems are many, but it's difficult for fishermen not to point to Texasgulf Chemicals Co. The company mines phosphate and makes fertilizer and phosphoric acid at a plant near Aurora on the south side of the river. The operation accounts for 46 percent of all phosphorus entering the river, as well as significant quantities of nitrogen, fluorides, and other pollutants. It has been there for 23 years and has been the target of fishermen's and environmentalists' ire for almost that long.

The azure sky slowly started deepening to dark blue as the sun settled below the trees. Hints of pink and orange streaked the high clouds, and the light of the night's first star blinked above.

The small knot of men stood on the river bank in the approaching dusk, beside Dallas Ormond's nets. They were talking about the river, and they were in general agreement that it will take more than fishermen and environmentalists to cure what ails it.

Joe Jordan, a commercial fisherman, was among the men. Stocky and broad-chested, Jordan has convictions that are as firm as his handshake. "Shoot, it's gonna take more than us commercial fishermen," he said, as the others nodded. "It's gonna take the whole general public, whether you like to go out there with a fishin' pole or just get your feet wet, you're gonna have to raise hell."

How do you get people hundreds of miles away interested in a river they pass maybe one time each summer as they head to the beach? Why should their legislators care when there are more pressing and immediate problems at home? Does a state that wrestles mightily with a

ban on phosphates in household detergents have the gumption to save one of its rivers?

Those are tough questions, and the river doesn't allow the answers to come easily.

It's just not sick enough yet. People usually start paying attention when it's too late. They hear the screams, but not the whimpers.

Willie Phillips is just making it as a commercial fisherman in Bath. He and the river are soulmates, but he doesn't think either of them can last. "I'm not optimistic about the future," he said.

"In five years, you may come around here looking for a follow-up story. I

won't be here, and other people won't be here either because we can't make it here any longer. Now that's a sad state of affairs, really."

The sun was almost gone. Only its crown glimmered red above the dark treeline, but the horizon was aglow in orange. The water was peaceful and calm and shone in purple in the day's dying light.

Maybe there is time for threatened species like Phillips and this river, though. After all, brown pelicans are back. So are osprey. Red wolves once again will roam the coastal swampland, and didn't someone say they saw a bald eagle or two? □

# Foundation Park: The Last Stop

## HONORABLE MENTION

by the Chesapeake bureau staff  
*Virginian-Pilot*

Where do people go to live when they've been pushed out of the gentrified inner-city neighborhoods? For Southside Virginia, the answer is a private development called Foundation Park. From March 22 to 29, the *Virginian-Pilot* profiled life in this mini-city and exposed the failure of Chesapeake officials to use available funds to upgrade the 44-year-old project. Residents rallied behind the demand for improvements, the city initiated a request for federal funds, and fire and health officials began cracking down on the Park's owners. Series writers from the newspaper's Chesapeake bureau included Greg Raver-Lampman, Charlise Lyles, Kerry DeRochi, Tony Wharton, Matthew Bowers, Melissa Huff, Sarah Kinsman, Joseph V. Phillips, and Tony Stein.

CHESAPEAKE — The street signs seem like a cruel joke: Welcome, Fireside, Pasture. Cozy names for a grid of asphalt running through Chesapeake's Foundation Park, the largest low-income housing project in southeastern Virginia.

With rents no higher than \$205 a month for a three-bedroom, one-story row house, the privately owned complex built in 1943 provides Hampton Roads its cheapest available housing. Many of the 5,000 tenants are inner-city refugees, driven from Norfolk when neighborhoods in Ghent, Lafayette-Winona, and Colonial Place began going upscale.

Foundation Park is "the last stop," says Arthur G. Meginley, Jr., executive director of the Chesapeake Redevelopment and Housing Authority. "There's no other catchall place like it."

John H. Sampson, 47, a truck driver for Lone Star Cement, moved from Norfolk to Foundation Park with his

wife and six children. "It's about as low as you can find," he said.

Crammed onto 60 acres are 826 units with a population density higher than New York City's. Junked cars crowd narrow streets just off Campostella Road, about a mile south of Norfolk.

Children play on paths covered with broken wine and whiskey bottles. On Welcome Road, a bedridden, 65-year-old woman illegally peddles liquor by the paper cup to make ends meet. Outside, three youths play with hypodermic syringes they found on the grass.

Patricia Walker, 20, her fiance and three children scrimp to save \$1,000 they need for a deposit on a rental home in South Norfolk. But plans to move crumbled when Walker lost her job. As she speaks, a rat trap next to the kitchen sink snaps with a crack as loud as a shotgun.

Once in a while, Foundation Park residents glimpse a city council member driving through their neighborhood. Once a week, they watch the single health inspector assigned to the 826 units ride by in his tan Toyota.

That's about all they see of city officials.

Of the millions of federal dollars that flowed into the Chesapeake treasury for low-income housing renovation over the past 20 years, not a penny has gone to Foundation Park, according to city spending records.

Six years have passed since the former director of the Chesapeake Health

Department labeled the Park as no longer a "viable place for human habitation." Little has been done to improve conditions in the development that houses 5,000 people.

Foundation Park, built 40 years ago as temporary housing, has not gone before the city's minimum housing standards board in the last decade. It is called a fire hazard by fire officials, and health inspectors say it is the city's worst housing.

The standard explanation for the forgotten promises of city officials and developers is that federal and state agencies have not come through with enough money to deal with Foundation Park and keep up with the rest of the city.

Maurice Steingold and Simon R. Miller, the owners of Foundation Park, say that is why they have not demolished the project and had it rebuilt. Politicians use the same excuse to justify their failure to improve conditions.

Not everyone believes it. Each time a solution to Foundation Park is proposed, it seems to fade without action.

"Every time there has been a chance for discussion they have had some reason not to talk about it," said Rosa M.

Alexander, a South Norfolk businesswoman who wanted to build 160 to 200 low-income apartments on Campostella Road, where the ruins of the old South Drive-In stand. "There is some political clout there to prevent discussion," she said.

Her project failed to get approval for a loan from the Virginia Housing and Development Authority. The city did not act to keep the project alive, and she sold the property last year to a church group.

In 1972, Washington, D.C. planning consultants Marcou, O'Leary and Associates drew up a Community Renewal Plan for Chesapeake that aimed to improve housing conditions across the city. It proposed, with the help of ample federal funds then available, to improve areas of Fentress, Atlantic Avenue, Crestwood and Foundation Park, among others. The plan would have used less than three percent of the city's capital improvements budget each year.

In Foundation Park, the consultants proposed lowering the streets to prevent flooding and installing sidewalks, curbs, gutters and street lights. "Like the other local action projects, a combination public-private improvement program is

proposed," the plan states. "The city would redesign and improve publicly owned rights of way."

In return, the Beazley Foundation, then owners of the project, would continue and accelerate renovations necessary "to ensure long-term adequacy of the housing."

Today the 180-page document is in a file drawer in the Planning Department. Those improvements did not happen. Neither the foundation nor Steingold and Miller accelerated renovations.

The city carried out some of the plans for Fentress. Charles Jenkins, former director of intergovernmental affairs, said Chesapeake never got around to Foundation Park. "I don't recall anybody even discussing it," he said.

The plans of Steingold and Miller also fell through.

A cursory examination of the city's traditional financing methods and the more creative methods tried elsewhere in the country shows there is money available that has never been used for Foundation Park.

◆ The U.S. Department of Housing and Urban Development's Rental Rehabilitation program, which has provided the city with \$114,000 for projects elsewhere.

◆ HUD's Section 312 program for housing renovation, which brought \$316,000 to Chesapeake.

◆ Community Development Block Grants, which have totaled \$18.5 million in 12 years. More than \$2 million was spent on administration costs alone.

◆ Tax-free bonds.

◆ Tax dollars straight out of the city budget, which has grown from about \$69 million in 1976-77 to \$188 million for the 1986-87 fiscal year.

Unlike most of South Norfolk, Foundation Park has no civic group or civic leader to represent it. Neighborhood churches are the preferred political forum in Norfolk, but the potential clout of Foundation Park residents is dissipated because they attend several churches, most outside the project.

"It seems that if they don't have an organized constituency, no one will listen to them," said former Vice Mayor Hugo Owens. "It's the hard, cold facts of politics. The people with money and influence get things done." □

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# White Control Circumvents Black Votes

## HONORABLE MENTION

by Priscilla Painton  
and Jim Auchmutey  
*Atlanta Constitution*

.....  
*The divisive history of slavery and one-crop economics still heavily influences a belt of fertile counties from Southside Virginia to the Mississippi Delta. From November 16 to 20, 1986, Atlanta Journal-Constitution reporters Jim Auchmutey and Priscilla Painton and columnist Chet Fuller looked at the contemporary economics, educational systems, politics and social relations of the Black Belt. What they found was largely a depressing story of short-circuited dreams and retarded development — "An Abandoned South," they called it, where modern forms of regressive white power limits the future for all.*

SUSSEX, VA. — Two years ago, after 200 years of being shut out, the black majority in this expanse of pine forests got control of county government.

But even now, Ruth Crowder wonders if the four black supervisors are really in charge. "Does it stop right there, or do they have an overseer?" asks the black beautician. They don't technically. Yet the inherited perception here is they do. And it is largely accurate.

On the face of it, Sussex County seems the kind of place that Martin Luther King Jr.'s crusaders dreamed of: a place where black people ascended to political suffrage and eventual rule without Supreme Court judgments, cracked heads or even particularly hard feelings.

But it is also a reminder that in much of the Black Belt, white control still circumvents black voters, sustaining, in a contemporary way, the strange paternal intimacy that has informed race relations in parts of the South since the first slave ships arrived.

Here, where the black majority has elected one of the few black-majority governments in the rural South, real power still belongs to a white man: state Sen. Elmon Gray. He and his companies own one of every 10 acres in Sussex; he heads its second-largest bank and is one of the largest employers. He is a lumberman with patrician manners, as comfortable contemplating the impressionist painting in his living room as he is muddying his shoes at the mill.

Gray keeps this county in countless

small luxuries — donating lumber to build black churches, buying uniforms for the black high school band.

"You've got to say the man is helping us," says G. W. Pegram, one of a pair of black supervisors elected in 1976. "You can talk to him anytime. And he gave me permission to hunt any part of his land I want."

If Pegram's comment has overtones of feudalism, it is because Sussex works a bit that way. Just as the timber baron takes care of the county's little needs, the supervisors do not neglect his dominion: This is a county where taxes are low on trees and high on people. It is a county where six farmers and six timber companies control a quarter of the land, and where one out of every four houses lacks indoor plumbing.

## 'GO SEE THE BOSS MAN'

Marjorie Young, a grocery store owner in the Sussex town of Stony Creek, has been in the business of electing blacks for 40 years. In the 1940s, when she tried registering workers in the fields, most just shrugged and told her to go see the "boss man."

"You just couldn't get them to understand the necessity of demanding something for themselves," she says. Eight years ago, she went out again, this time to make sure Stony Creek was represented by a black on the board of supervisors. Today, four of the six supervisors are black, but Mrs. Young is left with a disturbingly familiar impression.

"It feels like, to me, they don't have the ability to think for themselves," she says. "They just let others think for them and they just go right along. I guess it's a tradition that has been handed down, that they live under the supervision of whites. We never did think for ourselves and now we are trying to grow out of it."

One reason for this lingering political timidity is that blacks here have never had a charismatic leader — one who could galvanize the four population corners of this elongated county and turn its courthouse into the headquarters of black political enterprise.

But for generations the county has had a Gray — Elmon, 61, and before him his father, Garland. The elder Gray represented Sussex County in the Senate for 18 years, his son for the past 15.

The mere mention of Gray's name makes people lower their voices conspiratorially or praise him as the county's benefactor. Whether they fear or venerate him, people in Sussex say that he alone, through the force of his personality and economic patronage, moves the county.

"The county is run by one politician, one man, completely," says one of its white supervisors, who like most of the younger Gray's critics asked that his name not be used. "I go to meetings. I'm never late. But I have nothing to do with it. The shots are called by him."

A graduate of Virginia Military Institute, Gray is perhaps the quintessential product of the Southside, this poor region that runs along the North Carolina border from the Dismal Swamp west to the Blue Ridge Mountains and north through the Piedmont to Richmond. Here in Sussex, trees are the biggest crop and roads are long, lonely corridors that open suddenly onto soundless plains of peanuts and soybeans.

Gray's forbears built their fortunes on loblolly pine and their political careers on Harry F. Byrd, the state senator, governor and U.S. senator whose Democratic machine ruled Virginia politics from the late 1920s to the late 1960s. The Southside was Byrd's firmest bastion, and state Sen. Garland "Peck" Gray was his chief lieutenant there.

While the elder Gray took his political strength from Byrd's "massive resistance" to integration — he headed the Senate study commission appointed to find ways around it — the younger Gray has made a success out of adjusting to the era of black political enfranchisement.

Gray's first coup with the black community came in 1969 when, after 15 years of resistance, Sussex and several other Virginia counties finally yielded to the U.S. Supreme Court's order to desegregate the schools. That year, Gray signed a letter to the newspaper in which he and the white superintendent pledged their joint support for an integrated school system.

"It was a very courageous stance and was a lot of inconvenience to him," recalls Jerry Semones, the man who still heads the public school system today. "Persons with means do not have to deal with the nitty-gritty of these kinds of problems."

Only once did Gray run into trouble with blacks in Sussex, and that was the

first time he ran for the state Senate in 1971. At the last minute, he was endorsed by the Sussex County Improvement Association whose president, Millard Stith, was something of a patriarch among Sussex blacks. The Virginia NAACP, for one, immediately accused Gray of having coerced the group into its decision, but he managed a narrow victory. From that day on, the senator never stopped courting Stith, making a trip every so often through the woods that led to his house.

*"It used to  
tear my heart-  
strings to see  
that little band  
go out with  
T-shirts. So  
they got real  
nice costumes  
now."*

Over the years, Gray has made a habit of tending to the black community in what he calls "those little extra things that are important."

"Like the band," he says. "It used to tear my heartstrings to see that little band go out with T-shirts. So they got real nice costumes now."

For the past six years or so, he has given \$8,000 to \$10,000 annually to the school budget for student activities, and on two separate occasions he has dished out \$35,000 for new bleachers and tracks at the Sussex Central High School stadium.

He has also used the bank he owns to assure blacks credit; his family helped build a public pool in his town of Waverly, and on the 75th anniversary of the Gray Lumber Co., he funded the construction of public tennis courts.

"What pleases me the most," he says in a whisper, "is that they get a lot of use from blacks and whites at the same time."

## 'I'M ONE OF HIS OFFICERS'

But none of his local philanthropic efforts compares to the \$4 million he helped raise for a regional 4-H camp, an elegant playground outside Wakefield complete with riding stables, a pond and a conference center Gray donated himself.

Only a handful of the black children in this county attended the camp this past summer. Of the 900 children who paid \$70 a week, 14 were from Sussex, according to the center's director, Dr. Clarence W. Griffin.

"It comes back to education," he says, "as to whether or not they are stimulated or motivated to be interested in this type of thing."

Still, Gray's attentions to the black and white communities seem to have generated good will for him in both. The only time he was opposed was three years ago: The white farmer who ran against him was crushed, with 83 percent of the vote going to Gray.

The way Pegram sees it, "the person that helps you do certain things, then you don't mind helping them do some things." So when Gray called four years ago to suggest the appointment of William J. Hopkins as the black county administrator, the black supervisor was glad to accommodate.

"I don't think anybody else (on the board) had anybody they wanted in particular. I didn't know anybody. I didn't mind at all," he says.

Russell "Johnny" Westbrook, a white farmer who has served on the board of supervisors for 20 years, also has no doubt where he fits into Gray's political world. "He's the colonel, and I'm one of his officers," he says. That means, among other things, going along with Gray's choices for various county positions — and the state senator frets over the smallest appointments down to the building inspector.

"He has to work with everyone in the county, and he wants to put in the slots people he can work with," says Westbrook.

Gray's long reach across the county is responsible for its relatively smooth race relations, blacks and whites say. The senator guaranteed the peace after desegregation, they say, and since then has kept in check the "radical" element.

But for all of Gray's money and private diplomacy, Sussex is still a county



where the poverty rate is almost double the state average. The county has no hospital, no recreation department, and its welfare office operates out of a brick bunker that once was the county jail.

Only a mile and a half east of the Gray Lumber Co. is a twisted sliver of dirt called Goose Alley, where homes have been invented out of scratchy tar paper and the only stirring on a summer day comes from swarms of flies that lift

has invested little of itself in them.

The county's 78 percent black school system is one of the worst in the commonwealth, with last year's 11th-graders scoring one-half to two-thirds below the state average on the basic skills test. The 10-year plan to upgrade school buildings is turning into a 20-year plan, with the junior high school Gray attended now 74 years old and sad; its Corinthian columns lean drunkenly against the facade.



STATE SEN. ELMON GRAY IS REGARDED AS THE MAN WHO RUNS SUSSEX COUNTY, VA., DESPITE THE FACT THAT COUNTY BLACKS HAVE ELECTED ONE OF THE FEW BLACK-MAJORITY GOVERNMENTS IN THE RURAL SOUTH

occasionally from a piece of junk furniture to alight again somewhere else. It is as if a strange residue of stoicism — and not nails — holds this world together, with its dangling porches, its punctured roofs, its planks propped up to make out-houses.

Here on Goose Alley, Sussex's political achievement as a black county with a black government — there are 21 in the Black Belt — seems as distant a reality as an indoor toilet. "I didn't know they had four blacks," says Ora Murphy, the 23-year-old mother of four. "I hardly ever go to the courthouse anyway. When I need help, I do my best on my own."

If blacks find it hard to invest their future in Sussex — the county's black population has dropped 19 percent in the last 20 years — it may be because Sussex

Whites with means gave up on public education in 1964, when Tidewater Academy opened in Wakefield. Tuition there costs \$1,500 a year, and the school offers no scholarships.

"We would like very much to have black children from the county," says 4-H center director Griffin, who heads Tidewater's parent group. "Last year we only had one, which could be called 'token,' but we would take 100 every day if they will come and pay the tuition."

Sussex leaders such as Westbrook say the public schools may be mediocre, but they are all Sussex can afford.

"There again, I think you have to adjust your school system to your population. You know, we're 62 percent black and in any rural, agricultural county like we are, you have students whose IQ is

not as high as in big cities," he says. "I think we have a school system that everyone can adjust to."

Such modest ambitions are reflected in the way the county levies taxes. When tax rates were raised in 1976, it was the first time in 12 years. And when they began climbing in earnest four years ago, the burden fell not on landowners but on everybody else: Since 1982, the tax rate that affects the more disadvantaged — the one that applies to personal property such as a car — increased 58 percent, while real estate taxes went up by 11 percent. This put Sussex among the 29 Virginia counties with the lowest tax on land, and among the 23 counties with the highest tax on other possessions.

The county does have one man who describes himself as an "activist." Rufus Tyler is president of the black Sussex-Surry Improvement Association and a prudent man; he doesn't see the need for much turbulence in Sussex. "If people do it, they do it undercover," he says. "I mean, to go and corner the sheriff and raise hell doesn't do any good."

This past July, the diminutive Tyler went to the supervisors with the only major project he says he has undertaken in the county: a local and more modest version of the federal Head Start program.

"All I'm asking is that you give the kids a chance," he said. He wanted \$20,000 so he could start a child development center for pre-kindergarteners from all over Sussex.

That meeting, and the one that came three weeks later, were two of the most emotional ones ever to take place at the Sussex courthouse. Parents held children in their arms as they bemoaned the county's lousy schools, and Tyler cried, "That's right. That's right. Shame. Shame."

But his proposal never got to a vote; it died for lack of a second.

It is perhaps such political episodes that have convinced Mrs. Crowder, the black beautician, to go to whites when she needs help in Sussex County. When she went looking for a second job as a toll-booth attendant on Interstate 95, she called the white Commissioner of Revenue and the white delegate to the General Assembly.

"Well, I believe they are in the shape to help me. Whenever I go to a black, well, they don't have too much," she says. "There are very few of the blacks that are able to help one another." □

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# What Price Learning?

by Anne E. Hartung  
ANDERSON INDEPENDENT-MAIL

*Why are the schools in Anderson County, South Carolina, pinched for money? How has the quality of education suffered as a result of the schools' underfunding? These were the key questions addressed by the Anderson Independent-Mail in 13 stories that ran from May 31 to June 17, 1987. Reporters Anne Hartung and Kathryn Smith dug into the politics of state and local funding, examined the programs and facilities of the county's five school systems, and then covered the controversy generated by the series itself, as parents began packing board meetings to seek answers to their concerns.*

ANDERSON COUNTY -- George Seaborn, the superintendent of Anderson School District 1, likens the financial problems in Anderson County schools to the fate of a freezing man.

The first body parts to go numb and useless with the cold are the extremities, the fingers and toes, he said. In the academic body, foreign languages, the arts and orchestra are least necessary to a school's survival.

Next the hands and feet, arms and legs lose their circulation as the body draws its heat to the vital organs. The school equivalent is instructional supplies and equipment and building repair and maintenance.

"The last thing the body lets go is the heart and the brain," Seaborn said. "We're down to the heart and brain."

The vital organs in the school system are the basics: reading, writing, arithmetic and the staff to teach those subjects, Seaborn said.

The financial climate in Anderson County school districts has been getting colder by the year, area superintendents said.

"If all we want in Anderson County is basic reading, writing and arithmetic, and nothing else, we probably can

struggle along and provide that," Anderson School District 4 Superintendent Bill Chaiken said. "If we want life enhancement programs and experiences for our kids, we need to do more."

Throughout the budget wrangling that has marked the last few months of school in Anderson County, the question often has been asked, "Do you think the schools need more money?"

But perhaps Anderson taxpayers and voters need to answer more basic questions first: What is a quality school? How much are we willing to pay? What price learning?

**T**he roots of the current school funding problems are in state finances. But local funding traditions have exacerbated the situation.

For four of the past six years, the state has adopted mid-year budget cuts that have devastated local school budgets, the five Anderson school superintendents said.

Anderson School District 5, for example, lost more than \$500,000 to mid-year cuts between November and February. The fiscal year started July 1, 1986. That is equal to the amount raised by nearly five mills in local taxes. A tax

rate of one mill equals ten cents per \$100 of property value in the taxing district.

Another alarming trend has been the rapid rise in the cost of school employee fringe benefits paid by school districts.

Prior to 1983, the state paid 100 percent of fringe benefits, such as insurance and workmen's compensation, under the Education Finance Act. In the Williamston-based District 1, that cost escalated from nothing in 1984 to \$331,000 in 1987. That equals about \$8 million in local taxes.

School districts have no choice but to foot the bill for programs the state doesn't fund. After all, it's the law. But as Anderson District 2 Superintendent Roger Burnett knows, money doesn't grow on trees.

"It's frustrating fooling with this all the time," he said. "Sometimes I feel like I'm out on the street with a cup for the school district."

Many people, including South Carolina's governor, believe the state should overhaul its philosophy for funding state programs. "Let me say it's not right for us to mandate programs we don't pay for," Gov. Carroll Campbell said in his January State of the State address. "When we do this, the school districts must pay for them and the cost goes back to property owners."

Yet the S.C. General Assembly was quick to kill two proposals that would relieve districts from paying for fringe benefits and state-mandated programs that the state won't fund.

Sen. Alex Macaulay, D-Wallhalla, laments the failure of his fringe benefits bill. "We have to bring some order to our education system," he said. "All we have been doing is increasing the programs and passing the buck to the local districts. It's about time we do something about it. But what has happened in the General Assembly is a recognition that something needs to be done but no one wants to do it this year. They want to study it before something is done."

**A**fter the state treasury, the second biggest source of money for Ander-

son County schools is local taxes. The Anderson County Board of Education has the power to raise local school taxes by five mills a year. For a person with a \$50,000 home that would amount to \$10 in property taxes. But county board members have shown an unwillingness to increase local tax support for a school funding crisis they think is blown out of proportion.

"You've got some powers-that-be hollerin' wolf when there's no wolf there," county board Chairman Fred Dobbins said.

Yet, the situation was dire enough in May that all five Anderson County superintendents sought an audience with the Anderson County Legislative Delegation to ask for an amendment that would empower the county board to raise taxes more than five mills.

The move failed, largely because the county board would not endorse the proposal. As a result, local school officials will present 1987-88 budgets with deficits that exceed the dollars generated by a five-mill tax increase under current assessed property values. The county board may have to decide where districts will trim, superintendents said. Local superintendents said the county board could have alleviated problems caused by state-mandated programs. "If we'd consistently gotten four or five mills

over about the last five years, we'd be in much better shape," Anderson School District 4 Superintendent Bill Chaiken said.

County board members G. Mell Gerrard, J. R. Wingo, Hugh Durham and Dobbins have said they believe Anderson taxpayers should not take up the state's funding burden.

Political finger-pointing has become the order of the day as political leaders squabble over who should foot the education bill. In the meantime, Anderson school districts have been making cuts in an attempt to balance their budgets.

A confused public sits on the sidelines trying to figure out how serious the schools' problems are, what action they should take, and who they should go to for help. Parents fear that the future of their children may be getting lost in the political shuffle.

"I perceive a line drawn down the middle with the districts on one side and the [county] Board of Education on the other, with our children caught in the middle," Anderson county parent Jill Powell said. "If taxes have to be raised, for God's sake raise them."

One thing is certain. Although the money situation in Anderson County may be slow to change, the demands on education are evolving rapidly.

Anderson County used to be a place

**SYBIL FANNING HELPS A STUDENT WITH A CHEMISTRY CLASS EXPERIMENT. MRS. FANNING IS QUITTING PENDLETON HIGH SCHOOL AFTER 17 YEARS TO TEACH AT SENECA HIGH SCHOOL.**



where people could drop out of school in the eighth grade and earn enough money to raise and support a family, buy a home and a car. That's not the case anymore.

"I've heard the saying, 'It was good enough for my dad and my granddad,'" said Anderson School District 5 parent Steve DeWeil, who is chairman of Concerned Parents for Quality Education in District 5. "I don't think dad and granddad had to compete with cheap labor from Taiwan."

As the demand for better job skills has grown, so has the task of the public school system.

"If we don't educate our youth, who's going to run things when we're too old to get up the stairs?" Anderson School District 5 Trustee Mack Burriss said. "If we don't educate our youth, we'll pay a bitter price."

## Pay, Workload Raise Teacher Turnover Rate

by Kathryn Smith

For years, Pendleton High School teacher Sybil Fanning has been known as "The Fab." The math and science teacher is reputed to be faster than a speeding calculator, with the ability to write with one hand on the board while she erases with the other.

Fellow teacher Claire Warren describes her as "more than dedicated, amazingly patient and unquestionably professional."

But after 17 years, Sybil Fanning has had it with the teaching overload — four different courses this year, ranging from

physics to general math — and with School District 4's meager spending on instruction. It ranks last among the state's 92 districts. She will begin working at Seneca High School in August, where she will teach two classes of college prep chemistry. It will cut in half the time she spends on class preparation each evening.

"Obviously we're very sad to see her go," said Dr. Bill Chaiken, superintendent of schools in District 4. "She is an excellent teacher and school districts like to be able to retain experienced teachers. It points up the fact that if school districts can't maintain adequate resources in terms of teachers' salaries and equipment, eventually they'll go where they can get them."

His words are seconded by Mrs. Warren, who is head of the English department at Pendleton High. "It just becomes a struggle, and it becomes demoralizing when it seems we're not asking for much and yet it's denied us," she said.

Salaries generally make up more than 80 percent of the budgets. The state of South Carolina pays a minimum salary to teachers, then each district decides on a supplement. Seventeen districts pay only the minimum.

The supplement in Chaiken's district is the lowest in the upstate area and Mrs. Fanning believes the pay scale led two Pendleton High math teachers to quit last year.

The teacher turnover rate in Chaiken's district last year exceeded 15 percent, and it bothers him. "We know some of our people are leaving for districts that pay more," he said. The dis-

trict authorized a \$500 pay supplement for teachers in its new budget, but Chaiken doubts it will be approved by the Anderson County Board of Education.

Williamston-based Anderson School District 1 also has a 15 percent turnover, but Superintendent George Seaborn doesn't consider it a problem. The district ranks in the state's top 20 for pay, and can offer a new teacher \$1,000 a year more than Chaiken's district. "We're able to attract good teachers," he said.

When it comes to recruiting, Anderson County schools benefit from the proximity of Clemson University. Clemson Education School Dean James E. Matthews said all of the Anderson County districts are looked upon favorably by graduating teachers, and all five local superintendents say they get a number of applications from CU grads for jobs. However, they say some specialties are hard to fill, especially math, science, library science and special education.

Teaching is dominated by women, and opportunities for women have broadened since Sybil Fanning joined the Pendleton High faculty in 1970. Her three daughters are talented in math and science too, but none of them has chosen teaching as a career. She was the senior member of the Pendleton High teaching staff, and wonders where new math and science teachers will come from.

Wallace Reid, superintendent of Anderson School District 5, said he is seeing experienced teachers with advanced degrees leave, and they tend to be replaced with recent college graduates with little or no experience. Twenty years ago District 5 was the fourth-ranked district in the state for salaries. Now it ranks in the bottom third.

District 5's budget includes a two percent increase in the local supplement, but the budget has not been approved by the Anderson County Board of Education.

School districts' ability to raise teacher salaries has been complicated by a salary-related expense: fringe benefits. For the past three years, the state has been expecting local districts to pay a bigger portion of fringes.

District 5 paid \$5,000 in local dollars toward fringes in 1983, Reid said. In the coming year's budget, the figure will be \$1 million. "And that's what's put all the

### 1985-86 Annual Salary For Teachers With B.A. and No Experience

District	Salary	State Rank
Anderson 1	\$16,226	19
Anderson 2	\$15,902	30
Anderson 3	\$15,673	43
Anderson 4	\$15,212	72
Anderson 5	\$15,524	54
Spartanburg 7	\$16,603	1

**District Median \$15,610**

**State Median \$15,094**

Source: S.C. Department of Education



School teachers' salaries in Anderson County vary widely depending on the supplement paid by local districts. The lowest-paying district is District 4, which ranks 72 in 92 districts. Spartanburg 7 pays new teachers more than any district in the state.

districts in the state behind the eightball," Reid said. District 5 could balance its new budget without a tax increase if the state would fully fund fringe benefits, he said.

Of course, money isn't everything, and for people with the same experience and educational background, the gap between the highest paying teaching job in the state and the lowest is less than \$1,500 a year.

Mrs. Fanning said she doesn't even know what her salary will be at Seneca High School. Her major complaint was her workload, caused by limits on staffing. She loved teaching chemistry and physics, but felt inadequate to inspire the less-motivated students in general math.

Mrs. Warren said a similar situation exists in Pendleton High's English department, and it affects quality of instruction. If another English teacher isn't hired this summer, seven courses will be taught by teachers outside of the department. That means students will be learning English from people whose educational specialties include coaching, social studies and French. Often, the

basic-course students are the ones with the out-of-department teachers, she said.

"I really don't believe that it's salary as much [that causes teachers to leave]," she said. "It's a sense that we're professionals and should be properly staffed."

Classroom-size limits also are a teacher concern and a major reason for higher spending on personnel even though the number of students in many districts has fallen. In District 5, West Market Elementary School teacher Susan Hopkins worries the district won't be able to continue its commitment to smaller classes.

"The district needs to be praised in trying to keep the classroom size manageable," she said, noting that the school's classes of 22 to 23 children are below the state maximum size. "We feel real fortunate, because we feel like a lot more quality teaching goes on."

There are arguments, however, that the state and federal mandates and local decisions to decrease classroom size aren't really cost-effective.

Roger Meiners, an economics professor at Clemson University, cites numerous studies that found smaller pupil/

teacher ratios had no influence on educational quality. Some studies even found a negative influence, he noted.

Many of these decisions have been made for the districts, however, and they have no choice but to comply to state and federal rules.

Roger Burnett, superintendent of the Belton-based Anderson School District 2, gives the classroom teacher credit for Anderson County schools' ability to have good test scores on relatively limited budgets. "If you consistently rank in the lower third in the state in [local tax] effort and rank in the top third on tests, that's an indicator someone has used money wisely," he said. "It happens in the classroom. The classroom teacher makes or breaks achievement."

At Pendleton High School, future students will miss out on at least one of those classroom teachers. "I told her she couldn't go away because she had to teach me physics my senior year," a dark-eyed girl in Sybil Fanning's third period chemistry class said last week.

But Sybil Fanning has made up her mind. □

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# The Great Toyota Giveaway

## HONORABLE MENTION

by Alecia Swasy  
*Lexington Herald-Leader*

.....  
*The use of multimillion dollar tax incentives to lure giant manufacturing plants to an area has increasingly met criticism — especially when the new factories import labor or subvert union strength through nonunion subcontractors. For months, Alecia Swasy of the Lexington Herald-Leader followed the controversy over Kentucky's \$125 million incentive package to attract a Toyota auto plant, and she filed this report on January 18, 1987.*

GEORGETOWN — Doubts about the huge incentives and tax breaks being offered to automakers are being raised in many quarters as people take a second look at Toyota's coming to Kentucky.

Critics in Ralph Nader's consumer advocacy group in Washington and Georgetown's City Hall, say that the bidding wars for plants, such as the \$800 million Toyota Motor Manufacturing U.S.A., Inc. plant in Scott County, have become outrageous. They also say that planned federal tax breaks and the state's generosity with incentives, ultimately will bring trouble to local government.

"It's time to take the bloom off the rose in Kentucky," said Jim Musselman, one of Nader's attorneys. Incentive packages are "merely corporate free-loading on the backs of taxpayers."

Musselman has spent the past two years studying places like Flat Rock, Mich., where Mazda Motor Manufacturing Corp. is building a \$450 million plant and promising to employ 3,500. Flat Rock, which is still suffering from the tough economic times of the early 1980s, was elated by the news and thanked the automaker by exempting it from local taxes for 12 years. Town leaders also agreed to provide improvements in utilities and water services.

Since the November 1984 announcement, however, Flat Rock officials have begun to realize that the plant will bring some expensive problems to the town of 7,000. Flat Rock's mayor recently asked the state for \$200,000 to help pay the town's bills.

"Michigan's state government offered Mazda a 100 percent tax break on

local taxes," Treasurer Carolyn Beck said. "The city was a little reluctant to go along with it, but you're kind of stuck. You don't want to be the one to say no." Local officials have found it hard to reject the prospect of thousands of jobs and increased revenue, but "sooner or later, somebody will have to pay for it," Musselman said.

Lately, Musselman has been studying Kentucky's incentive package for Toyota. What he has found is not encouraging, especially for Georgetown. The state's incentive package for land, road improvements and other projects does not include assistance for Georgetown as it grows to meet the plant's needs, he says.

The problem became clear when states began to compete viciously for General Motors' Saturn plant, which eventually was put in Spring Hill, Tennessee. "All the governors were clamoring around, trying to outbid each other," Musselman said.

Some Kentucky officials agree that Kentucky got caught up in the post-Saturn struggle. "My impression is that governors are like baseball owners," said Rep. Joe Clarke (D-Danville), chairman of the House Appropriations and Revenue Committee. "Everyone is bidding blindly, and they keep upping the ante."

Whether the state's plans are feasible for local governments is another question. Even Sam Pollock, former mayor of Georgetown, agrees that there are some unanswered questions on how the plant will affect his town. "Toyota is going to impact us heavily," he said. "When and how the money comes to meet our needs isn't straight yet."

Gov. Martha Layne Collins and other state officials have assured Pollock that they would lend personnel to help in some areas, such as technical assistance, but "they've never offered us any financial assistance," Pollock said.

"I would suspect they feel they have brought this multimillion dollar industry in at a considerable expense, so the spinoff in jobs and taxes should be sufficient for us," he said. "But we still have concerns about what will happen be-

tween construction and the time when we get money from taxes."

Some financial problems could be solved if Georgetown annexed the Toyota site for the purpose of collecting a one percent occupational license tax and a one percent net profits tax. The city has the right to annex, "but we don't want to take a stance of disrupting Toyota to the point that they want to pick up and leave," Pollock said.

Automakers often offer payments to cities to avoid taxes. Mazda, for example, pays Flat Rock \$100,000 a year for each year of the local tax exemption. In Smyrna, Tennessee the Nissan plant had been a good corporate citizen mainly because the town decided to annex it before the automaker moved in, Pollock said.

Although Toyota officials have said they want to pay their fair share, they do not like to discuss possible annexation by Georgetown and collection of the occupational tax. Jeff Smith, Toyota's U.S. liaison manager, declined to comment on annexation. But he said "any change in the tax structure, at any level," would affect the company's original estimates of costs and profits.

Another option that could relieve the financial strain that Georgetown is likely

to encounter would be the formation of an urban-county government with Scott County, Pollock said. Such an arrangement would allow the city and the county to share the revenue collected from the Toyota plant and to save money on some services, he said.

Toyota and state officials are preparing more detailed estimates of how much local tax money would be generated by the Toyota plant, Smith said. "We think that the results will show that the tax benefit of the plant to the community will be significant," he said.

Georgetown's share will not be hard to spend. Pollock can name about a dozen areas — from storm sewers to fire and ambulance services — that will need improvement.

Pollock is not alone in questioning the state's deal with Toyota. Critics have ranged from Don Wiggins, president of the Concerned Citizens and Businessmen of Central Kentucky, to Wallace Wilkinson, Lexington businessman and 1987 gubernatorial candidate.

To Wiggins, the state's incentive package is a step toward socialism. Wilkinson simply believes that the state did not negotiate a good deal.

Another critic is Jerry Hammond, executive secretary-treasurer of the Ken-

tucky State Building and Construction Trades Council. He has intervened in a lawsuit testing the constitutionality of the state's incentive package. According to estimates by Hammond's attorneys, the state already has committed itself to spending at least \$132.5 million, or \$7.5 million more than what the General Assembly appropriated.

Those figures are based on the state's own estimates, outlined in internal memos, written to state Budget Director Larry Hayes, said Bob Metry, one of Hammond's attorneys.

Those overruns do not include any estimate of the cost of debt service on any bonds or for various other state-supported Toyota plans, he said. "Toyota has been given a credit card with an unlimited line of credit."

Critics also point to the planned federal tax breaks as "the grand giveaway to automakers." Under the tax plan now awaiting approval in Congress, Toyota would receive a \$32 million tax break for the plant, while estimates show that GM could get a \$60 million break for the Saturn plant.

The tax breaks, part of a package of "transition rules," are designed to give a one-time investment tax credit on the plants. Toyota got caught midstream in putting its new facility in the United States," said Jim Shanahan, senior tax manager for Price-Waterhouse in Washington, Toyota's accountant.

Plans for the Scott County plant were based on existing investment tax credit and depreciation laws, so Toyota "didn't do anything to beat the wire of tax reform." If Toyota gets the benefit of the tax break, it could take a 10 percent investment tax credit on machinery and equipment when those are in service in 1988.

But the AFL-CIO has been lobbying against the tax breaks, arguing that the company is taking unfair advantage of the tax laws. The union estimates that the tax savings from the transition rule could amount to \$100 million, despite congressional estimates of only \$32 million. "We're being played for suckers," said Joe Maloney, secretary-treasurer of the Building and Construction Trades Department of the AFL-CIO. The union argues that Toyota does not qualify legally

**CURRENT GEORGETOWN MAYOR TOM PRATHER SAYS THE CITY FACES THE PROSPECT OF TAKING ON DEBT TO INCREASE SERVICES.**



for the tax break and should not get it because of disputes over the construction of the plant.

Local and national labor leaders have been protesting the merit-shop construction site, which is planned by Ohbayashi Corporation, Toyota's contract manager. The labor leaders have threatened a nationwide campaign against the automaker.

While lobbying continues, no one is sure whether the transition rule will sur-

vive the conference committee or a final vote by Congress.

Toyota representatives met recently with Senators Mitch McConnell and Wendell Ford and Rep. Larry Hopkins, all of Kentucky, because of concern over the union's lobbying efforts, Shanahan said. "We wanted to impress upon them how important the transition rule is to Toyota and the state of Kentucky," he said.

State officials defend their incentive package as well as the federal tax break. "I don't know of any state that has gone broke creating jobs for its people," Hayes said.

He conceded that there would be changes for Georgetown, but said that the changes could be viewed as problems or opportunities. "I see them as opportunities." □

# Mississippi's Brain Drain

## HONORABLE MENTION

by Joan Kent  
*Sun Herald*

.....  
*The educational crisis in Mississippi goes beyond public elementary and high schools. Inadequate funding and political inaction have left the state's public colleges in such dire straights that the system's best faculty members are leaving in droves. In a five-article feature on June 21, 1987, Joan Kent of Biloxi's Sun Herald examined why so many professors are leaving and what consequences their departures will have for the future of higher education in the state.*

OXFORD - Ole Miss Chancellor Gerald Turner remembers the day last spring when chemistry professor Robert Metzger stormed into his office and resigned. Metzger quoted Gov. Bill Allain saying, in a televised speech before the 1986 Legislature, that Mississippi professors couldn't leave because other states had financial troubles, too. "This professor can, and he's going to," Metzger declared.

The respected teacher and researcher, who taught at Ole Miss 15 years, left for a \$10,000 annual salary increase at the University of Alabama in Tuscaloosa.

Metzger is one of 262 teachers who left Mississippi in 1986. Most sought higher pay, better research opportunities and what they hope is a steadier future.

Altogether, nine percent of the state's professors left. Though the state College Board last week approved faculty raises averaging eight percent, or \$2,500, Mississippi professors still will earn less than their counterparts at most other universities.

Next year, the state's professors will earn an average of \$35,779 — \$9,741 less than the national average, College Board and American Association of University Professors figures show.

The exodus from Mississippi has lowered morale among remaining faculty, left them less time to do

research, and forced cancellation of some classes.

"The morale on campus has not been lower since the James Meredith episode," said one Ole Miss department head, referring to the strife surrounding admittance of the first black to the school in 1962.

From January 1, 1986, to the present, 45 Ole Miss faculty members have left for other jobs. The figure "is at least some 25 percent more than we usually have," said Ole Miss personnel director Buddy Chain.

Most of the professors who have left are the cream of the crop: young and bright, or experienced, respected professors, some internationally known for their work. Some of the professors who've left the state are "grantsmen" who bring in much more money in research grants than they earn in salaries.

"It's the quality of the people we're losing," said Mississippi State University president Donald W. Zacharias. "It's people like Bruce Glick, a highly respected teacher and researcher who brought hundreds of thousands of grant dollars to the university."

Glick, a well-known animal genetics researcher, left to head the poultry science department at South Carolina's Clemson University in January after teaching at Mississippi State 32 years.

The exodus is eroding staffs built up during the past decade, when Mississippi was able to attract high-caliber people because the national market for professors was glutted, said Will Norton, chairman of the journalism department at Ole Miss. "Now they've published, built their reputations, and they're being lured away," he said.



Younger professors who hadn't put down roots left first. "But now we're losing established, productive senior scholars, including some department heads," said Gordon Jones, acting chairman of Mississippi State's College of Arts and Sciences last year.

According to Lucy Martin, director of financial analysis for the College Board, 210 faculty positions are unfilled. More would be empty if 132 faculty positions hadn't been eliminated by 1986 budget cuts.

The brain drain comes as Mississippi struggles to boost its flagging economy by wooing high-tech industry. Expecting the universities to be the backbone of economic development without giving them sufficient resources "is like saying, 'I'm going to make you walk 1,000 miles, but I won't give you any shoes,'" Turner said.

Professors are leaving because their salaries aren't competitive and they don't trust Mississippi's leaders to provide steady, substantial support for the universities.

In a poll of department heads at the University of Southern Mississippi, James H. Sims, vice president for academic affairs, found that 26 of 45 exiting professors gave salaries and uncertainty about university funding as their main reasons for leaving.

Mississippi professors' pay this year was the lowest in the South, according to the Southern Regional Education Board's data exchange. While Mississippi professors received no raises for the 1986-87 school year, salaries nationally climbed an average of 5.9 percent.

Most professors have left for raises between \$3,000 and \$10,000. Some have gone for much more: An Ole Miss law school professor received a \$20,000 increase when he went to Louisiana State University; a Jackson State history professor almost doubled his pay when he moved to a North Carolina university; and a Mississippi State math professor earned about \$27,000 more in industry.

In addition, Lucas said, many universities offer better medical and retirement benefits and newly equipped laboratories for science professors.

Many professors left after the 1986 legislative session, when lawmakers rejected the College Board's proposal to close two universities, the state dental and veterinary schools and six off-

campus branches. Instead, lawmakers trimmed all the universities' budgets by a total of \$18.3 million. The decreases followed two cuts totaling around \$6 million in the university budgets during the 1985-86 school year.

As a result of the \$18.3 million cut, none of the eight state universities could afford to give professors raises. Though some professors supported the closings proposed in 1986, they said bitter legislative fights over the proposals left an impression that there was no clear leadership for higher education in Mississippi.

"It wasn't so much the salary; it was the handwriting on the wall," said Jeffrey Wittenberg, who left Ole Miss law school last fall to teach at Suffolk University in Massachusetts. "It appeared that education was not a priority in Mississippi."

Last January, the College Board dealt the already depressed professors another blow, awarding \$56,000 in bonuses to Ole Miss football coaches after the team's December victory over Texas Tech in the Independence Bowl.

"That sealed it," said James Cobb, an Ole Miss history professor who's leaving for the University of Alabama, where he'll direct the honors program.

"I'd had some misgivings about accepting the offer," he said as he packed books and took down posters hiding cracks in the plaster in his office. "But the bonuses told me the environment that education operates under in this state."

Cobb, who taught at Ole Miss six years and was active in the university's Center for the Study of Southern Culture, wouldn't say exactly how much more he'll earn but he acknowledged that the increase is more than \$14,000.

Thomas A. Edmonds, dean of the Ole Miss law school, said Mississippi law professors' salaries are about \$6,000 below the Southern average and \$8,700 below the national average.

Next year's merit raises, averaging eight percent, will still leave Mississippi professors' pay trailing behind, even if other states don't give raises.

"That [the raise] won't do it," said Mary Brookins, acting chairman of Jackson State's computer science department. "It can't compare to offers of 20 percent raises."

More problems are ahead, professors warn, if high-caliber educators continue to leave Mississippi:

- ◆ State universities won't attract the

state's honor students.

- ◆ Courses will be canceled if faculty cannot be replaced. Mississippi State's math department already has killed eight of 140 classes because it doesn't have enough people to teach them, said Jimmy Solomen, math department chairman. Some students may not graduate on time if Mississippi State can't replace enough communications professors to teach required courses, the department chairman said.

- ◆ The state's universities won't conduct quality research. "It takes years to build a research team," said Dr. Harper K. Hellems, chairman of the Medical Center's Department of Medicine.

- ◆ Mississippi's universities will become training grounds for new professors who will move on.

It's tough to find replacements for some who have left. "We've been looking for two years for heads of our computer science and accounting departments," said Everette Witherpoon, executive vice president of Jackson State. "We're offering in the \$40s; they want in the \$50s and \$60s."

Despite all the gloomy statistics, some professors and administrators are guardedly optimistic. They point to positive signs:

- ◆ The business community's creation of the Council for Support of Public Higher Education in Mississippi. "The council has been a good strong voice and gotten the ear of legislators that academics wouldn't have been able to get," said James H. Sims, vice president for academic affairs at the University of Southern Mississippi.

- ◆ The close vote last legislative session on an income tax bill, which would have boosted university funding. That was a near miracle in an election year, said one professor.

- ◆ Budget increases approved in the last legislative session and merit raises averaging eight percent in September.

- ◆ Polls showing increased public support of higher education.

- ◆ A change in leadership in the legislature which some professors believe will give more power to younger, more progressive lawmakers.

- ◆ The focus on education in the governor's race.

But even optimistic professors warn that change won't come easily. "The situation wasn't created overnight," said Ole Miss professor John C. Winkle, "and it won't be solved overnight." □

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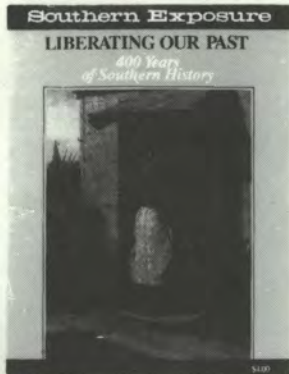
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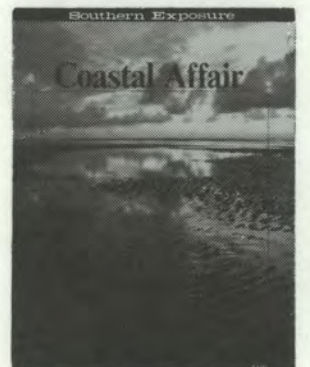


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