

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CHARLES JEROME STOCKTON,)
ET AL.,)
)
Plaintiffs,)
and)
UNITED STATES OF AMERICA,)
)
Plaintiff-)
Intervenor,)
)
vs.)
)
ALABAMA INDUSTRIAL SCHOOL)
FOR NEGRO CHILDREN, ET AL.,)
)
Defendants.)

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
MONTGOMERY, ALA.

CIVIL ACTION NO. 2834-N

VERIFIED PROPOSED FINDING OF FACTS OF THE UNITED STATES

The parties to this action, by and through their respective attorneys of record, stipulate to the following:

I. Mt. Meigs Under Alabama Law

Mt. Meigs is one of three separate juvenile "training" schools established by Alabama statutes:

1. State Training School for Girls, for delinquent white girls, (Title 52, Sections 570-84, Code of Alabama of 1940, as amended. (Recompiled 1958.))
2. Alabama Boys Industrial School, for delinquent white boys, (Title 52, Sections 585-602, Code of Alabama of 1940, as amended. (Recompiled 1958.))
3. The Alabama Industrial School for Negro Children, for delinquent Negro boys and girls, (Title 52, Sections 613(1)-613(15), Code of Alabama of 1940, as amended. (Recompiled 1958.))

There is no central governmental authority having specific responsibility for the administration of Alabama's three training schools. Each school is governed by an independent board of trustees or directors appointed by the Governor.

The State Department of Pensions and Security has the duty to visit each facility from time to time and to advise the school's officers in regard to approved methods of child care, best types of housing, school equipment, and adequate records.

The State Superintendent of Education is mandated to prepare suitable courses in vocational education that conform to the minimum standards of other public schools of the State.

The statutes requiring racial segregation in Alabama's training schools have been declared unconstitutional by the United States District Court for the Northern District of Alabama and by the United States Court of Appeals for the Fifth Circuit. Crum v. State Training School for Girls, 413 F.2d 1348 (1969).

The statutes establishing and governing the three training schools reflect a clear legislative intent that the schools were established for the purpose of rehabilitation and training; not for punishment, as ordinarily contemplated upon criminal conviction. The statute for Mt. Meigs states:

"The intent and purpose of the Alabama Industrial School for Negro Children is the reclamation and training of delinquent negro (sic) boys and girls in the State of Alabama. 1/

Before admission to Mt. Meigs, a child must be declared "delinquent" according to Alabama's juvenile court law, and also declared a ward of the State. 2/ In Alabama, juveniles are tried in a non-criminal procedure, which is mandatory for all children between the ages of twelve and sixteen and who have been accused of acts which would be crimes if committed by adults. The procedure may also be used for minors between the ages of sixteen and eighteen, at the option of the Circuit Court Judge having jurisdiction over the accused minor. 3/ Correspondingly, no child may be committed to Mt. Meigs who is under the age of twelve, or over eighteen. 4/ When properly committed to Mt. Meigs, juveniles may be kept by the authorities

1/ Title 52, Section 613(4), Code of Alabama of 1940, as amended. (Recompiled 1958); see also, Section 573, where a similar intent and purpose is expressed for the State Training School for Girls. No provision on intent and purpose is contained in the statute establishing the Alabama Boys Industrial School.

2/ Title 52, Section 613(4), Code of Alabama of 1940. (Recompiled 1958).

3/ Title 13, Section 363, Code of Alabama of 1940. (Recompiled 1958).

4/ Title 52, Section 613(5), Code of Alabama of 1940. (Recompiled 1958). The Alabama Boys Industrial School is restricted to students between ages twelve and sixteen; and the State Training School for Girls accepts girls between twelve and eighteen. Title 52, Section 574 and 590, Code of Alabama of 1940. (Recompiled 1958).

until they are twenty-one years of age, 5/ but, in practice, most children are released after eighteen months to two years.

Mt. Meigs' authorities, consistent with the rehabilitative theory of juvenile confinement, are under several statutory mandates. With respect to administrative personnel, the statute governing Mt. Meigs states:

"It shall be the duty of the board of the Alabama Industrial School for Negro Children to appoint a superintendent who shall serve at its pleasure. Such superintendent shall be a man peculiarly fitted by education, training and experience in social case work to fill suitably the position. No person shall be employed as superintendent unless such person has had training and experience in social case work and institution management. . ." 6/

The statute also sets forth the duty of the superintendent to chronicle the progress of individual children committed to Mt. Meigs. The superintendent is directed to:

". . . Keep a case record concerning the name, age, circumstances connected with the previous history of each child admitted to the Alabama Industrial School for Negro Children and shall add facts concerning the character, conduct, training, and education of such child while at the institution and after leaving it if the child goes on parole." 7/

The statute also establishes certain minimum standards which must be complied with in the disciplining of children committed to Mt. Meigs:

"Only such punishment shall be prescribed under the rules and regulations adopted in conferences of the superintendent with the board of the Alabama Industrial School for Negro Children. Any employee who inflicts or permits to be inflicted inhumane treatment or punishment shall be removed by the appointing authority. Strict discipline must be maintained, but emphasis shall not be placed upon punishment as such, but rather upon a reclamation through establishing the child's self-respect, self-discipline, and self-control." 8/

II. Mt. Meigs Prior To January, 1970

During the five years prior to the appointment of Mr. J. B. Hill in January, 1970, as a Special Consultant to recommend changes in the administration and operation of Mt. Meigs, monthly population reports

5/ Title 52, Section 613(6), Code of Alabama of 1940. (Recompiled 1958).

6/ Title 52, Section 613(3)(1) Code of Alabama of 1940. (Recompiled 1958).

7/ Title 52, Section 613(3)(8) Code of Alabama of 1940. (Recompiled 1958).

8/ Title 52, Section 613(8) Code of Alabama of 1940. (Recompiled 1958).

submitted by the Superintendent of Mt. Meigs reflect the following figures for maximum and minimum number of committed children at the school:

<u>YEAR</u>	<u>MAXIMUM</u>	<u>MINIMUM</u>
1965	557	446
1966	452	364
1967	472	425
1968	490	431
1969	490	367

When Mr. Hill arrived at Mt. Meigs he found some 224 children enrolled at the institution (186 boys and 38 girls). 9/

Before his retirement, as of June 1, 1970, the Superintendent of Mt. Meigs was E. B. Holloway. Mr. Holloway studied agriculture at Tuskegee Institute, possessed no college degree, and had further formal training only in summer school in "family relations, extension methods, and things of that nature." Prior to becoming superintendent, he was Assistant Superintendent and supervisor of the school's farm. 10/

Mrs. Fannie Mathews, who was primarily responsible for the care and training of all girls at Mt. Meigs, had only a high school diploma. Prior to coming to the school she was employed in a garment factory. 11/ Mr. Tom Glover, who supervised the boys in the fields, finished the fourth grade. 12/ There were three or four additional farm supervisors who could not write. 13/ The supervisors in the boys dormitories were college students. 14/

In most cases prior to January, 1970, the statutory requirement of keeping an individual record of the progress of each child involved little beyond having a counselor prepare a one-page evaluation of the juvenile at the time of his or her release from Mt. Meigs. These evaluations exhibit a striking similarity. Almost no records of discipline administered were kept; and the paucity of discipline reports in the Mt. Meigs files contrasts markedly with the complete quarterly

9/ Letter from Mr. J. B. Hill, Consultant, to Governor Albert P. Brewer, dated March 24, 1970, (hereinafter referred to as the March letter) p. 1.

10/ Deposition of Holloway, P. 7.

11/ Deposition of Mathews, p. 40.

12/ Deposition of Glover, p. 7.

13/ Deposition of Holloway, p. 14.

14/ Deposition of McNear, p. 9.

reports on each boy which are maintained as a part of the permanent records at the Alabama Boys Industrial School. 15/

Prior to January, 1970, corporal punishment was routinely administered at Mt. Meigs without defined standards. Written rules in effect before Mr. Kenneth O'Dea came to Mt. Meigs as Title I coordinator, made no mention of corporal punishment. 16/ Notwithstanding the absence of definite rules, corporal punishment was permitted, and condoned, 17/ with the result that Mr. O'Dea apparently felt it necessary to establish some restrictions on the use of such punishment. 18/ On December 19, 1969, Superintendent Holloway testified that he formed a "discipline committee" some six months earlier by which he "stopped letting anyone give corporal punishment for every little thing." 19/ However, Mrs. Mathews, who was on the discipline committee, stated that the committee had done nothing. 20/ Further, statements by at least fourteen persons, most of whom had been confined at Mt. Meigs, indicate that corporal punishment was promiscuously employed by the school's personnel, using a wide range of techniques. 21/ One school employee, in fact, stated that he had to punish children "sometimes" by striking them up to five times with a paddle. 22/

Prior to January, 1970, juveniles assigned to Mt. Meigs engaged in an extensive farming operation, involving the cultivation of some fifteen hundred acres of land. 23/ Major crops were cotton, cucumbers,

15/ Deposition of McNear, pp. 8-9; Deposition of Carr, pp. 35-36.

16/ Deposition of O'Dea, pp. 17-18.

17/ Depositions of Holloway and Glover.

18/ Deposition of O'Dea, pp. 19-20.

19/ Deposition of Holloway, pp. 11, 17-18.

20/ Deposition of Mathews, pp. 11-12.

21/ Depositions of Arleathia Anderson Walker, pp. 8-14; Mary Jane Martin, pp. 8-13, 16-18; Larry Williamson, pp. 6-10, 13-17; Lillie McCullough, pp. 7-9; Herbert Hoover Thomas, Sr., pp. 15-16; Calvin Leon Foxhall pp. 8, 10-15; Shelia King, pp. 8-9; Robert E. Johnson, pp. 10-31; and David Houston, pp. 11-14; Depositions of Eloise Spencer, Doris Kelley, Annie May Hall, Dorothy Holston, and Patricia Ann Dixon, pp. 5-35.

22/ Deposition of Tom Glover, pp. 14-17.

23/ Deposition of Holloway, p. 6.

corn, sweet potatoes, sugar cane, oats, and a variety of vegetables. 24/ Mt. Meigs also possessed a herd of cattle comprising 35 dairy cows and approximately 150 beef cattle. These animals furnished all of the meat consumed at the school, and much of the milk used for cooking. 25/ Sheep and hogs were also raised on the school's farm. 26/

The vocational program at the institution was quite limited until 1970. Only four offerings were available for boys: printing, barbering, shoe repairing, and auto mechanics. 27/ Except for cosmetology, girls were limited to fields related to home economics, such as sewing, laundry, and cooking. 28/

Prior to 1970, juveniles at Mt. Meigs engaged in academic course work every other day, for nine months of the year. 29/ Remedial reading classes were held during the summers of 1967, 1968, and 1969, for some students, under a program funded under Title I of the Elementary and Secondary Education Act. 30/

III. Mt. Meigs at Present

Since the appointment of Mr. J. B. Hill as Special Consultant to correct deficiencies at Mt. Meigs, three reports have been issued which outline the changes accomplished in recent months. 31/ Mr. Hill has continued his participation in the administration of Mt. Meigs; currently serving as Vice Chairman of the Board of Trustees. Since October, 1970, the Superintendent of the school has been Mr. Joe G. Morrison. Mr. Morrison possesses a Bachelor of Arts degree in Business Administration, and a Masters Degree in Rehabilitation and Counseling.

24/ Id. at 6-7.

25/ Id. at 7-10.

26/ Id. at 10.

27/ March Letter, p. 3.

28/ Deposition of E. B. Holloway, pp. 36-37.

29/ Id. at p. 33.

30/ Id. at pp. 33-34.

31/ These reports will be cited as follows: (1) Letter from J. B. Hill to Governor Albert P. Brewer dated March 24, 1971 (hereinafter referred to as the March Letter); (2) Letter from J. B. Hill to Governor Albert P. Brewer dated April 24, 1971, (hereinafter referred to as the April Letter); and (3) A report to the Board of Directors of the Alabama Industrial School by J. B. Hill dated September 8, 1970, (hereinafter referred to as the September Report.)

One of the first actions taken was to organize a Social Services Department, and with social workers drawn from the other two state training schools and the Alabama Department of Pensions and Security, to interview the 186 boys and 38 girls assigned to Mt. Meigs. 32/ After these interviews, the number of juveniles at the facility was reduced by more than half to a population of 110 boys. The school is now operating solely as a male institution, accepting only boys between the ages of sixteen and eighteen. 33/ Currently there are between 140 and 150 youths at Mt. Meigs.

The Social Services Department at Mt. Meigs is currently headed by a permanent director, 34/ with a staff of four full-time social workers. On June 1, 1971, a Social Work Counselor's Aide will also be employed.

With respect to physical facilities, several steps have been taken. Four boys' dormitories (Cottages A, B, C, and D) were found to be unsuitable for occupancy without substantial renovation, and were therefore permanently closed. 35/ An outside bathroom described as "atrocious" was razed. 36/ Construction on a new dining hall was commenced in May, 1970. 37/ The dining hall will be occupied by May 1, 1971. Also, all heating systems at the school were replaced or remodeled, 38/ and a new telephone system installed. 39/ A portion of one of the cottages was also remodeled to serve as a canteen, which students are allowed to visit twice a week. 40/ The current capacity of the institution was estimated at 120 boys in September of 1970. 41/

32/ March Letter, p. 1.

33/ April Letter, p. 1.

34/ The present Director, Mr. Tom Robinson, possesses a Bachelor's Degree in Social Work.

35/ March Letter, p. 2; September Report, p. 1.

36/ September Report, p. 1.

37/ September Report, p. 2.

38/ Id.

39/ September Report, p. 3.

40/ April Letter, p. 1; September Report, p. 2.

41/ September Report, p. 1.

The remodeling of several buildings has brought the current capacity to over 200, with the following facilities in use:

<u>BUILDING</u>	<u>CAPACITY</u>
Holloway I	52
Holloway II	51
Washington Hall Annex	40
Washington Hall II	40
Orientation Wing	30
TOTAL	213

The extensive farming operation at Mt. Meigs has been entirely abandoned. 42/ Not only has the dairy operation been discontinued because of the lack of sanitation facilities, 43/ but all livestock has been sold (including the carcasses of a large number of dead animals found by J. B. Hill on his arrival,) 44/ and the farm land has been leased to private tenants. 45/

A Medical and Diagnostic Center, built on land owned by the school, now provides medical care and hospitalization to boys confined at Mt. Meigs. 46/ A full-time Registered Nurse is employed, with a Doctor and Medical Technician on 24-hour call. The Doctor visits the school three times each week.

Additional personnel have been hired, including permanent full-time cottage parents, 47/ a part-time chaplain, 48/ and a full-time recreational director. 49/ An Administrative Assistant and permanent yard supervisors have also been hired. 50/ In addition, a nine-page written statement of Personnel Policies has been written and distributed to the employees at the school. 51/

42/ March Letter, p. 4.

43/ September Report, p. 2.

44/ Id.

45/ March Letter, p. 4.

46/ March Letter, p. 3; September Report, p. 3.

47/ March Letter, p. 2; September Report, p. 1. These employees are now called "counselors." Ten of the twenty-two counselors employed at the school are on duty at any given time.

48/ March Letter, p. 2; September Report, p. 2.

49/ September Report, p. 3. The school also employs full-time football and basketball coaches.

50/ March Letter, p. 2; September Report, p. 2.

51/ March Letter, Exhibit "D".

A new approach to discipline has been inaugurated, particularly with respect to corporal punishment. A memorandum to all staff members was issued on February 13, 1970, setting forth the manner in which corporal punishment is to be administered. Now, a boy may receive such punishment only with a paddle specifically designed for the purpose. Punishment may only be administered by a staff member in the presence of another staff member; and a corporal punishment report on the incident must be prepared on a special form and delivered to the Superintendent's office within twelve hours after such punishment has been administered. 52/

An incentive program has been devised, and its specifics set forth in a ten-page document entitled "Individual Conduct, Effort and Initiative Rating System." 53/ In general, this program is based upon the principle of positive reinforcement and establishes five levels of conduct, with increased privileges granted to boys as their conduct improves from unacceptable to good. The lowest ranking boys, designated "Zeros" are allowed fewer privileges than the next highest rank, "Climbers." 54/ The hierarchy ascends through "Builders" and "Aces" to "Citizens," who have much more liberal privileges than other boys. 55/ The ranks are based upon weekly grading report forms submitted by each department at the school. 56/

The vocational program at Mt. Meigs has also been expanded. In January, 1970, only the following four programs for boys were offered:

1. Printing
2. Barbering
3. Shoe Repairing
4. Auto Mechanics.

At present, the following vocational units are being offered through the State of Alabama's Vocational Education Division:

1. Trowel Trades
2. Welding
3. Small Engine Repair
4. Service Station Trade (Minor Auto Repair)
5. Basic Electricity
6. Ornamental Horticulture
7. Vocational Counseling Unit.

52/ March Letter, p. 2.

53/ March Letter, Appendix "C".

54/ For example, "Zeros" are not permitted to smoke.

55/ "Citizens" and "Aces" are allowed to visit their families at home for three days each month.

56/ March Letter, Appendix "C".

Five additional units are operated with the school's general fund revenues:

1. Plumbing
2. Carpentry
3. Shoe Repair
4. General Electricity
5. Laundry.

Under Title I of the Elementary and Secondary Education Act, the following four units are offered:

1. Barbering
2. Offset Printing
3. Industrial Arts (woodworking)
4. Ceramics (largely used for recreational purposes.)

The training school's Academic Department now consists of ten teachers and two teachers' aides. The principal is Mr. Parse Billop, who possesses a Master's Degree in Administration. The following courses are offered, with emphasis on basic skills: English, History, Mathematics, and Arithmetic, Remedial Reading, Science, Music, and Physical Education.

An orientation program, including the establishment of a separate "Orientation Wing" in Washington Hall, has been developed to help juveniles committed to Mt. Meigs in the process of adjusting to institutional life. A permanent Director of Orientation, Mr. Anderson Jones (Bachelor's Degree) will assume employment on June 1, 1971. Approximately ten recently committed juveniles participate in the orientation program at one time; with fifteen boys of the "Citizen" rank assigned to the new arrivals as "big brothers," to advise and guide them during their first days at Mt. Meigs. Funds for this project were obtained from the Alabama State Law Enforcement Planning Agency. 57/

IRA DE MENT
UNITED STATES ATTORNEY

CARLTON R. STOIBER
ATTORNEY
UNITED STATES DEPARTMENT OF JUSTICE

57/ April Letter, p. 1; September Report, p. 2.

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

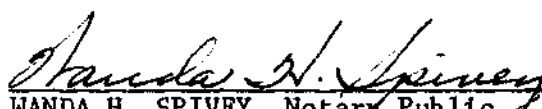
V-E-R-I-F-I-C-A-T-I-O-N

Before me, Wanda H. Spivey, a Notary Public in and for said County and State, personally appeared Ira DeMent, who being known to me and being by me first duly sworn, did depose and say that as to those assertions of fact contained in the foregoing Proposed Finding of Facts of the United States which are not therein referenced to depositions on oral examination, letters, reports, representations in motions, orders, or other documents previously filed herein the same are in words or substance from interviews of Joe G. Morrison, formerly Superintendent of the Alabama Industrial School, and he is informed and believes and upon such information and belief states that they are true and correct as therein stated.



IRA DE MENT

Sworn to and subscribed before me this 13th day of July, 1971.



WANDA H. SPIVEY, Notary Public
In and for the State of Alabama
at Large