



JI-AL-004-009

IN THE CIRCUIT COURT OF THE STATE OF ALABAMA,
NORTHERN DIVISION

CHARLES JEROME STOCKTON, a Negro
child of the age of fourteen
years; BERNARD TAYLOR, a Negro
child of the age of fifteen years;
ALLEN LEE, JR., a Negro child of
the age of thirteen years; ANDREW
JAMES MILLER, a Negro child of
the age of thirteen years;
CORNELIUS LYNN, a Negro child of
the age of fourteen years;
individually and jointly, and
for and on behalf of all other
minor Negro children similarly
situated, who sue by and through
Carl D. Abbott, Chief Probation
Officer of the Circuit Court of
Montgomery County, Alabama,
Domestic Relations Division,

FILED

JAN 28 1964

R. C. DOLLO

BY
DEPUTY CLERK

corporation; JOHN DOE; JANE DOE;
individually and jointly; whose
true and correct names are
otherwise unknown to the Plaintiffs
but will be substituted by amend-
ment when ascertained,

Defendants

I

The jurisdiction of the Court is invoked pursuant to Amendments
Five, Eight, Thirteen, and Fourteen, of the Constitution of the United
States; Title 42, Sections 1981, 1983; and Title 28, Sections 1343(3) and
(4), United States Code, in that Plaintiffs sue to redress the deprivation,
under color of laws and statutes of the State of Alabama, of rights,
privileges, and immunities secured by the Constitution of the United States,
providing for equal rights of all persons within the jurisdiction of the
United States, all of which hereinafter more fully appears. The Plaintiffs

are informed as to whether or not the Defendants receive funds under Title VI of the Civil Rights Act of 1964, or under any other Civil Rights Act or Act of Congress; but pray for leave to reserve this jurisdictional allegation and to aver same if and when such facts are discovered.

II

This proceeding is for a declaratory judgment pursuant to Title 28, Section 2201, United States Code, and for other relief, and Plaintiffs aver that there are questions in actual controversy between the parties hereto as will hereinafter more fully appear.

III

Plaintiffs bring this action in their own behalf and in behalf of all others similarly situated with respect to the matters herein involved and aver that such persons are so numerous as to make it impracticable to bring them all before the Court and there being common questions of law and fact, a common relief being sought, as will hereinafter more fully appear, Plaintiffs present this action as a class suit, pursuant to Rule 23(a), Federal Rules of Civil Procedure.

IV

Plaintiffs are all indigent, scholastically retarded, Negro children who are citizens of the Middle Judicial District of Alabama, and who are imprisoned and restrained of their liberty in cells, some without outside windows, in the so-called juvenile detention facility of the Montgomery County Courthouse in the City and County of Montgomery, State of Alabama. Plaintiffs aver that each said child as named in the caption hereof has been so imprisoned since the, to-wit, 5th day of December, 1968; to-wit, 21st day of November, 1968; to-wit, 21st day of November, 1968; to-wit, 24th day of October, 1968; and to-wit, 17th day of October, 1968, respectively; each said child having been committed to said Alabama Industrial School for Negro Children, a corporation, and the said Corporation failing and refusing to accept said children claiming that it is overcrowded, etc. Each said child is presently in the custody of Carl D. Abbott, the

Chief Probation Officer of the Circuit Court of Montgomery County, Alabama, Domestic Relations Division, and brings this suit as their guardian and next friend.

V

The Alabama Industrial School for Negro Children, a corporation, is a reform school solely for Negro children established by the Legislature of the State of Alabama, by its Acts of 1947, p. 373, Sec. 1, et seq., Appvd. Sept. 30, 1947. [Title 52, Secs. 613(1) - 613(15), Code of Alabama of 1940]. The Defendant, R. E. Belser, is over the age of twenty-one (21) years and is the Chairman of the Board of Trustees of said Corporation. The Defendant, E. B. Holloway, is over the age of twenty-one (21) years and is the Warden of said penal institution. The Defendant, Fannie B. Matthews, is over the age of twenty-one (21) years and is the Matron who oversees and disciplines the minor female Negro prisoners at said institution. The Defendant, Ed DuBose, is over the age of twenty-one (21) years and is an overseer of the female Negro children who work in the fields. The Defendant, Elsie Patton, is over the age of twenty-one (21) years and is an employee of said institution. The names of the remaining members of said Board of Trustees and of others against whom relief may hereinafter be sought are unknown to the Plaintiffs; but will be substituted by amendment when ascertained.

VI

In general accordance with the terms and provisions of Act No. 250, Acts of the Legislature of Alabama of 1959, as amended, [Title 14A Appendix, Section 413(1), et seq., Code of Alabama of 1940], the Family Court of Montgomery County, Alabama, has jurisdiction of minors under the age of eighteen (18) years for the purposes enumerated in said Act. All of the Negro minors herein named as plaintiffs have been adjudicated as "delinquent children" according to the terms and provisions of said Act and have been declared to be wards of the State of Alabama by said Court and committed to said Alabama Industrial School for Negro Children, which has failed and refused to accept them as such as hereinbefore alleged. A copy of each commitment order for each child is attached hereto and marked Exhibits "A" through "E". There are other children incarcerated at said

penal institution who were there committed pursuant to the general laws of the State of Alabama. See Title 13, Sections 350-383, Code of Alabama of 1940, as amended. Plaintiffs aver that they are informed and believe and upon such information and belief charge that many other minor Negro children, both male and female, are imprisoned in divers Counties in the State of Alabama, awaiting admission to said school after having been there committed by the various juvenile courts of the State of Alabama, many of whom are imprisoned in County jails.

VII

The Plaintiffs are presently in the custody of the said Carl D. Abbott, who avers that he is not authorized by law to detain them for the periods of time which they have been by him detained; and said judgments of juvenile delinquency and orders of commitment subject the Plaintiffs, and each of them, to cruel and unusual punishment for the following reasons, viz:

(a) Many of the Plaintiffs are required to sleep on the floor in their cells at the so-called juvenile detention facility in the City of Montgomery, Alabama.

(b) Some of the Plaintiffs are confined in solitary confinement cells at said facility with no windows.

(c) The Plaintiffs are afforded no physical recreation of any kind whatsoever.

(d) The Plaintiffs receive no religious counseling.

(e) The Plaintiffs receive no rehabilitation or other education of any kind whatsoever.

(f) The Plaintiffs receive no psychological or social counseling of any kind whatsoever.

(g) The Plaintiffs receive no medical treatment of any kind whatsoever, except on emergency basis.

(h) The Plaintiffs are exposed to profane and vile language by certain other prisoners of said facility.

After their transfer, if they are ever transferred, to said Alabama Industrial School for Negro Children, a corporation, the Plaintiffs aver that they are informed and believe, and upon such information and belief charge that they will in effect be imprisoned in a penal institution which is constitutionally, factually and totally unfit for the purpose for which it is intended and will there be subjected to cruel and unusual punishment by being beaten around the head and on the back and legs with broom and mop handles, fan belts and fists of some of the Defendants, and will be there denied their rights to equal protection of the laws under the Constitution and Laws of the United States of America as hereinbefore cited. The Plaintiffs are further informed and believe, and upon such information and belief charge that said institution is engaged primarily in the business of farming for its very existence and that all said minor Negro children, both male and female, work at least fifty percent of the time available to them in field (a) picking cotton, (b) picking cucumbers, (c) hoeing vegetables, (d) overseeing sheep, cows, chickens, hogs, lambs, and turkeys; where they are coerced and driven by uneducated and sometimes illiterate overseers and are, from time to time, subjected to cruel and unusual punishment by being threatened, intimidated, and excessively beaten with sticks, broom handles, limbs and hoe handles; that the entire school is grossly and fragrantly overcrowded and understaffed and although it contains over twice the number of internees as the Alabama Boys Industrial School for Caucasian male minors in the City of Birmingham, it receives less than the appropriation from the Legislature of the State of Alabama to said Alabama Boys Industrial School, which is in all respects far superior to said Alabama Industrial School for Negro Children; that the State Training School for Girls is the State sponsored institution near the City of Birmingham, State of Alabama, to which Caucasian female minor children are committed; and that said institution is in all respects far superior to said Alabama Industrial School for Negro Children; that the so-called academic department of said Alabama Industrial School for Negro children does not provide a minimally adequate program of academic work on the elementary and high school levels; its class rooms are overcrowded and

understaffed, remedial work and guidance counseling is virtually nonexistent; its testing program is insufficient, its faculty is understaffed; its vocational program is such that only a small percentage of the male Negro children have the opportunity to work in any shop, vocational education being nonexistent, although Plaintiffs admit that approximately four percent of the male Negro children are exposed to (a) electrical work, (b) mechanical work, (c) shoe repair, and (d) carpentry, while the female Negro children are nominally exposed to (a) homemaking, (b) home management and (c) beauty culture, all on a small and insufficient scale; that the living quarters and dormitory facilities are grossly and flagrantly inadequate, overcrowded, understaffed and lacking in qualified management and supervisory personnel, heating being a distinct and serious problem in cold weather, sewerage systems being badly in need of repair and needing replacing, and generally the dormitories and cottages provided for the male Negro children needing renovation and remodeling. The Plaintiffs are further informed and believe and upon such information and belief aver that said children have virtually no privacy, very little supervision; that said academic department is nonaccredited by the State Board of Education; that there is a gross and flagrant lack of psychological and social adjustment programs, counseling service, specialized health programs, orientation programs for incoming children, placement programs, followup services, recreational programs, qualified administrative personnel, discipline committees and in-service training programs; that there are not enough books or teaching materials available and that generally said institution is a penal institution not a rehabilitation institution and is so grossly and flagrantly lacking in programs, facilities, and informed and educated administration, so as to render it totally and completely constitutionally and humanly unfit for the purpose for which it is intended.

IX

The Plaintiffs further are informed and believe and upon such information and belief aver that virtually all the inmates at said Alabama

Industrial School for Negro Children are frequently, severely and unjustifiably beaten around their heads and over their entire back, arms and legs with broom and mop handles and fan belts and some of the inmates are held down on tables and floors by others, stripped of their clothing and unmercifully beaten with said weapons and then further beaten in order to force them to stand up. Plaintiffs further aver that they are informed and believe and upon such information and belief charge that at least on one occasion a miscarriage was forced on a pregnant inmate by a beating. Plaintiffs further are informed and believe and upon such information and belief charge that the Respondent, Fannie B. Matthews, is the principal violator of the civil, statutory, common law and Constitutional rights of said inmates by administering said vicious beatings, but that the remaining Defendants, save the Defendant, R. E. Belser, about whom the Plaintiffs are uninformed, have also administered such beatings.

X

Plaintiffs and those similarly situated will be irreparably injured by the acts, practices and policies of the Defendants and the inequality of the facilities of the Defendant institution, all described herein. The Plaintiffs aver that they have no plain, adequate or complete remedy at law to redress these wrongs other than this suit for a permanent injunction and for other relief and the pursuit of any other remedy would be unavailing and would cause these Plaintiffs and others similarly situated great hardship, inconvenience, vexation and punishment while not affording substantial relief.

WHEREFORE, THE PREMISES CONSIDERED, the Plaintiffs respectfully pray that this Court will assume jurisdiction of this cause, issue its processes to the Defendants named herein and to those parties hereafter made defendants, and that upon a final hearing hereon, the Court will ORDER, ADJUDGE, DECREE and DECLARE as follows, to-wit:

1. That the Alabama Industrial School for Negro Children, a corporation, is factually and constitutionally unfit for the purpose for

which it is intended and that as such the Negro children incarcerated therein, both male and female, are being illegally and unconstitutionally imprisoned and deprived of their liberty by said Alabama Industrial School for Negro Children, a corporation, and by the State of Alabama.

2. That the practices and policies of said school, its officers, agents, servants and employees of inflicting cruel, unusual, and corporal punishment upon said Negro children as described in the bill of complaint is illegal, in violation of law, and unconstitutional; and that said corporate defendant, its officers, agents, servants, and employees be permanently enjoined from said practices and policies.

3. That having been declared unfit for the purpose for which it is intended, said corporation and its Board of Trustees, individually and jointly, be ordered and enjoined to establish minimal standards for a school for delinquent children within a reasonable time or that said school be closed and its inmates released or transferred to other schools which do meet minimal standards.

4. That said Alabama Industrial School for Negro Children, a corporation, and its Board of Trustees, individually and jointly, be ordered and enjoined to operate said school, together with all its ramifications so that it will be in fact equal to the two schools in the State of Alabama for Caucasian minor children.

5. That the practice and policy of failing and refusing to accept Negro children after commitment by any authorized Court of the State of Alabama, and thus causing them to remain incarcerated in the County or City wherein such Court is situated, is unconstitutional, and illegal, and that said Defendants, and each of them, be ordered and enjoined to cease such policy and practice forthwith.

And Plaintiffs further respectfully pray that the Court will allow them their costs herein expended to include a reasonable attorney's fee, and such further, other, or additional relief as may to them be entitled under the pleadings and the proof; and that Plaintiffs pray for general relief.

ATTORNEY FOR PLAINTIFFS

STATE OF ALABAMA.

Montgomery County.

To _____ GREETING:

Whereas, By order of the Circuit Court of Montgomery County, Alabama, Domestic Relations Division, Juvenile Section, made on the 17 day of October, 1957, _____ being a child under 7 years of age, to-wit, the age of 3 1/4 years, was adjudged to be a ward of the State as dependent, and was committed to your custody and control subject to the orders of this Court.

This is to authorize you to take charge of and properly care for said child until further orders of the Court.

This, the 17 day of October, 1957.

Walter F. [Signature]
Judge

Received into the care and custody of _____

this the _____ day of _____, 1957.

EXHIBIT "E"

To _____ CHERITING

Whereas, By order of the Circuit Court of Montgomery County, Alabama, Domestic Relations Division, Juvenile Section, made on the 15 day of _____ 19____
_____ being a child under _____
years of age, to-wit, the age of _____ years, was adjudged to be a ward of the State
as _____, and was committed to your
custody and control subject to the orders of this Court.

This is to authorize you to take charge of and properly care for said child until
further orders of the Court.

This, the 15 day of _____ 19____

Judge

Received into the care and custody of _____
this the _____ day of _____ 19____

EXHIBIT "A"

STATE OF ALABAMA
County of _____

TO _____ GREENING:

Whereas, By order of the Circuit Court of Montgomery County, Alabama, Domestic Relations Division, Juvenile Section, made on the _____ day of _____, 19____, _____ being a child under _____ years of age, to-wit, the age of _____ years, was adjudged to be a ward of the State as _____, and was committed to your custody and control subject to the orders of this Court.

This is to authorize you to take charge of and properly care for said child until further orders of the Court.

This, the _____ day of _____, 19____

William F. Dwyer
Judge

Received into the care and custody of _____
this the _____ day of _____, 19____

EXHIBIT "B"

VERIFICATION

THE STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

Before me, Bernice Levins, a Notary Public in and for said County and State, personally appeared Carl D. Abbott, who being known to me, and being by me first duly sworn, did depose and say on information and belief that the allegations of the foregoing complaint are true and correct as therein stated.

Carl D. Abbott
CARL D. ABBOTT

SWORN to and subscribed before me this the 21st day of January,
1969.

Bernice Levins
NOTARY PUBLIC

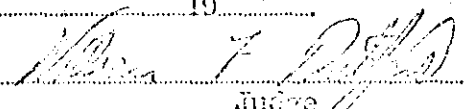
IRA DE KENT
P. O. BOX 4163
MONTGOMERY, ALABAMA 36104

CHATTANOOGA:

Whereas, By order of the Circuit Court of Montgomery County, Alabama, Domestic Relations Division, Juvenile Section, made on the _____ day of _____ 19____
_____ being a child under _____
years of age, to-wit, the age of _____ years, was adjudged to be a ward of the State
as _____, and was committed to your
custody and control subject to the orders of this Court.

This is to authorize you to take charge of and properly care for said child until
further orders of the Court.

This, the _____ day of _____ 19____


Judge

Received into the care and custody of _____
this the _____ day of _____ 19____

EXHIBIT "D"