

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

Johnson

## TITLE OF CASE

## ATTORNEYS

Civil Action No. 2834-N

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 BUTLER, 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,

Plaintiffs,

vs.

ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN, A corporation; R. E. BELSER, Chairman of the Board of Trustees of said Corporation; ~~A, B, C, X, Y, and Z, MEMBERS OF THE BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL FOR NEGRO CHILDREN, A Corporation;~~ E. B. HOLLOWAY, Warden of said Corporation; FANNIE B. MATTHEWS, Matron of said Corporation; ELSIE PATTON, an employee of said Corporation; ED DuBOSE, an employee of said Corporation; ~~JOHN DOE, JANE DOE;~~ individually and jointly, whose true and correct names are otherwise unknown to the Plaintiffs but will be substituted by amendment when ascertained; (fictitious defs. stricken by 12/10/69 order)

Defendants.

## For plaintiff:

Ira DeMent  
P. O. Box 4163  
Montgomery, Alabama 36104

Stockton v. Ala. Industrial Sch. for Negro Children



JI-AL-004-000

## For defendant:

Goodwyn, Smith & Bowman  
325 Bell Building  
Montgomery, Alabama 36104

Claud W. Lavender, Jr.  
Alabama Department of Youth Services  
2388 Fairlane Drive  
Building D, Suite 29  
Executive Park  
Montgomery, Alabama 36111

Y

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 2/5/69	Clerk				
J.S. 6 mailed 11/5/72	Marshal				
Basis of Action:	Docket fee				
	Witness fees				
Action arose at:	Depositions				

DATE	PROCEEDINGS	Data Order or Judgment Note
1/23/69	ORDER that Clerk file plaintiffs' complaint without prepayment of costs or security therefor and take necessary steps to secure proper service, through the U.S. Marshal for this district. (Copy mailed to Ira De Ment.)	
"	Complaint filed as ordered.	
"	Summons issued and delivered to Marshal, with copies of complaint and order, for service on defendants.	
1/27/69	Marshal's return on service of summons and complaint and order. Service on Alabama Industrial School for Negro Children, Inc. by service on E. B. Holloway, Warden, by serving Mrs. E. B. Holloway. Personal service on R. E. Belser, Chairman of Board of Trustees; Fannie B. Matthews, Matron; Elsie Patton, employee; Ed DuBose, employee. Service on E. B. Holloway, Warden, by service on Mrs. E.B. Holloway. Services made 1/23/69.	
2/6/69	Defendants' motion to dismiss.	
2/10/69	Plaintiffs' response to defendants' motion to dismiss.	
2/17/69	ORDER denying defendants' motion to dismiss. (Copies mailed to counsel.)	
11/6/69	ORDER, upon oral motion of defendants' counsel, continuing pre-trial hearing of this case until 10 a.m., Dec. 8, 1969. Parties ordered to prepare jointly and present to Court on said date a proposed pretrial order and to file their briefs on or before Dec. 12, 1969. (Copies mailed to counsel.)	
11/8/69	United States' motion to intervene as party plaintiff.	
"	ORDER granting motion of United States to intervene in this cause as a party plaintiff. (Copies mailed to counsel.)	
"	United States' complaint in intervention.	
11/10/69	Summons and complaint in intervention issued to Marshal for service on defendants	
11/12/69	Marshal's return of service of summons, complaint in intervention and order of 11/8/69. Service on Fannie B. Matthews on 11/10/69 by leaving copy with E. B. Holloway, Warden-Supt., Alabama Industrial School for Negro Children; personal service on E. B. Holloway on 11/10/69; remaining defendants served by service on Maury Smith, their attorney, on 11/10/69.	
11/14/69	Motion of United States for order compelling E. B. Holloway, individually and as Superintendent of Alabama Industrial School for Negro Children, a Corporation, his agents, attorneys and employees to allow attorneys of plaintiff-intervenor and special agents of the FBI to interview inmates at said institution.	
"	ORDER setting motion of U.S. for hearing at 8:30 a.m., 11/17/69. (Copy delivered to Marshal for service on E. B. Holloway; copies mailed to counsel.)	

DATE	PROCEEDINGS	Date Judgm.
11/17/69	ORDER granting motion of U.S. filed 11/14/69 and ordering E. B. Holloway, individually, etc., his agents, et al., to allow attorneys of U.S. and agents of FBI to interview and interrogate any and all inmates and to make the inmates available for said interviews and interrogation at any and all reasonable times and places. (Copies mailed to E. B. Holloway and counsel.)	
11/17/69	Marshal's return of service of order of 11/14/69. Service on E. B. Holloway on 11/15/69 by leaving copies with Mrs. E. B. Holloway at his home, Mt. Meigs, Ala.	
11/20/69	United States' motion to produce directed to Reuben King.	
"	United States' motion to produce directed to E. B. Holloway and R. E. Belser.	
"	United States' motion to produce directed to Dr. Ernest Stone.	
11/21/69	ORDER granting motions to produce filed by the United States. Hon. Ruben King, a member of the defendant Board of Trustees, E. B. Holloway and R. E. Belser, as defendants, and Dr. Ernest Stone, a member of the defendant Board of Trustees, are each ordered to make available commencing Monday, November 24, 1969, the documents enumerated in said motions and continue to make said documents available for inspection and copying by agents of the plaintiff-intervenor during normal business hours from day to day until said copying has been completed. (Copies mailed to counsel.)	
11/26/69	Defendants' answer to complaint in intervention.	
12/1/69	Motion of plaintiff-intervenor, United States of America, for continuance of trial.	
"	ORDER granting motion of U.S. and continuing trial of this cause from December 15, 1969, to January 14, 1970. (Copies mailed to counsel and to Denny Abbott.)	
12/10/69	ORDER (1) that all pretrial discovery be completed in this cause on or before January 5, 1970; (2) that all exhibits be filed with the Clerk for pre-numbering on or before January 8, 1970, and that any objections to the admissibility of the exhibits be made in writing on or before January 12, 1970; (3) that stipulations arrived at by the parties be filed on or before 1/8/70; (4) that the names of the inmate witnesses to be called by the Government be furnished counsel for the defendants on or before 1/8/70, for counsel's personal use; (5) that the names and addresses of expert witnesses that are to be used at the trial be furnished counsel for the opposing party on or before 1/8/70; (6) that the parties file their pretrial briefs on or before 1/14/70; and (7) that the attorneys representing the parties prepare and file with this Court on or before 12/16/69, a comprehensive pretrial order, said order to be in accordance with the discussion had with the Court in chambers this date. Fictitious parties defendant stricken. (Copies mailed to counsel.)	
12/13/69	United States' notice of taking depositions of Mrs. Dorothy Weiss, John Carr,	

DATE	PROCEEDINGS	Date Order of Judgment No.
	Tom Glover, James McNear, Mrs. Fannie Matthews, E. B. Holloway, William Pugh, Don Williams, and Kenneth O'Dea.	
12/17/69	ORDER on pretrial hearing. (held 12/10/69).	
12/30/69	Petition of U.S. for writ of habeas corpus ad testificandum and ORDER directing the Clerk to issue a writ of habeas corpus ad testificandum addressed to Warden, Draper Correctional Institution, Speigner, Ala. commanding him to deliver Ernest Alexander to U.S. Marshal and directing said Marshal or Deputy to bring said prisoner before this Court at Montgomery, Ala., on January 14, 1970, at 9:00 a.m.	
"	Writ of habeas corpus ad testificandum issued as ordered.	
12/30/69	Petition of U.S. for writ of habeas corpus ad testificandum and ORDER directing the Clerk to issue a writ of habeas corpus ad testificandum addressed to Warden, Draper Correctional Institution, Speigner, Ala. commanding him to deliver Roy A. Smith to U.S. Marshal and directing said Marshal or Deputy to bring said prisoner before this Court at Montgomery, Alabama, on January 14, 1970, at 9:00 a.m.	
"	Writ of habeas corpus ad testificandum issued as ordered.	
"	Depositions of Tom Glover, Mrs. Fannie B. Matthews, James McNear, Wm. C. Pugh, and Kenneth O'Dea.	
"	Deposition of E. B. Holloway.	
1/3/70	Deposition of Mrs. Dorothy P. Weiss.	
"	Deposition of John P. Carr.	
1/8/70	Petition of U.S. for writ of habeas corpus ad testificandum directed to E. B. Holloway, Superintendent, Alabama Industrial School for Negro Children, requiring him to deliver certain inmates of said institution to U.S. Marshal to testify at hearing on January 13, 1970, at 9:30 a.m.	
"	Notice of U.S. of use of expert witnesses.	
"	Names of inmate witnesses to be used by U.S. upon trial.	
"	Notice of U.S. of filing of exhibits.	
1/13/70	ORDER, upon joint oral motion of counsel for plaintiffs, the plaintiff-intervenor, and the defendants, upon certain conditions to be made more explicit in an order to be made Jan. 16, 1970, continuing the trial of this case. (Copies mailed to counsel.)	
1/16/70	Defendants' motion to stay.	
"	ORDER continuing trial of this case to 4/30/70, at 10 a.m.; ordering defendants to report in writing on or before 3/30/70 reciting in detail the status of each ground asserted in defendants' motion and the expected date of complete implementation of programs suggested in each ground of motion; granting the plaintiffs and plaintiff-intervenor leave to proceed to trial on 4/30/70 to make showings for further relief as to any ground of motion or additional relief, and granting plaintiff-intervenor leave to depose on oral examination and file with Clerk depositions of	

DATE	PROCEEDINGS	Date Order Judgment N
	certain witnesses who are presently subpoenaed and who may be unavailable on 4/30/70. (Copies mailed to counsel.)	
3/4/70	Depositions of David Houston, Larry Williamson, Robert E. Johnson, Mary Jane Martin, Herbert Hoover Thomas, Sr.	
"	Depositions of Donald R. McClure, Helen Breasted, Calvin Leon Foxhall, Lillie McCullough, Arleathia Anderson Walker, Sheila King, Michelle Jones.	
3/27/70	Defendants' report in compliance with order of Jan. 16, 1970.	
4/28/70	Defendants' supplemental report.	
"	Motion of U.S. for continuance of trial of this cause.	
"	ORDER continuing the trial of this cause, presently scheduled for April 30, 1970, until further order. (Copies mailed to counsel.)	
9/18/70	Defendants' progress report.	
7/19/71	Stipulation of parties.	
7/23/71	ORDER adopting the verified proposed findings of fact and proposed conclusions of law as presented by the United States and which are attached to the order.	
"	DECREE. Judgment entered in favor of the plaintiffs and plaintiff-intervenor and against the defendants: Alabama Industrial School will continue to accept male juvenile delinquents between the ages of 15 and 18, without regard to race; capacity of school will be maintained at approximately 150, consistent with standards recommended by American Psychiatric Assn., as set forth in the findings of fact filed this date; farming program will not be resumed, except on a limited scale consistent with school's vocational and training program; school will continue to employ enough full-time counselors so that 24-hour supervision and guidance may be provided; one full-time recreational director and one trained recreation person for each 50 children to be employed; Social Services Dept. at school to continue to employ a full-time director with at least a Bachelor's Degree, and sufficient full-time social workers; the Medical and Diagnostic Center to continue to provide medical and health care to inmates of school; full-time registered nurse to be available at all time and a licensed physician to visit institution at least three times a week; corporal punishment not to be administered except as provided in memo issued on Feb. 13, 1970, by Mr. J. B. Hill to staff members; discipline and incentive program outlined in "Individual Conduct, Effort and Initiative Rating System" to continue to provide the basis for disciplinary system; school to continue to offer a vocational program aiming not only at development of specific skills but also emphasizing a responsible attitude toward work; sufficient numbers of qualified vocational counselors and instructors to continue to be assigned to school; Academic Dept. to conform to all Alabama State laws relating to educational standards for any public school; school to continue to maintain an orientation program headed by permanent orientation director. Court <u>retains</u> jurisdiction for all purposes. (Copies of findings of fact, conclusions of law, order, and decree mailed to counsel.)	

DATE 1972	PROCEEDINGS	Date Order Judgment No.
Oct. 5	ORDER closing case for record keeping purposes. Jurisdiction of subject matter and parties not relinquished.	
Mar. 25	Plaintiff-intervenor, U.S.'s motion for substitution. (Referred to Judge Johnson)	
25	ORDER that motion to amend to substitute the name of the Alabama Department of Youth Services, George Pheifer, Director, Department of Youth Services, Robert M. Hill, Jr., Chairman of the Alabama Youth Services Board, LeRoy Brown, B. G. Bryant, Guy Burns, A. C. Conyers, Jr., Robert D. Davis, Vera C. Foster, Howard B. Gundy, Taylor Hardin, Ira L. Myers, M. G. Prater, Julia J. Oliver, James T. Strickland, Jerry M. Vanderhoef, Richmond Pearson, members of the Alabama Youth Services Board, as in place of the named defendants be granted. (Copies mailed by certified mail to counsel and to new named defendants.)	
<u>1975</u>		
Dec. 6	Defendants' motion to modify this Court's decree of 7/23/71. Referred to Judge Johnson.	
8	ORDER that the plaintiffs and the plaintiff-intervenor herein file within 30 days from this date a response to the defendants' motion to modify. (Copies mailed to counsel.)	
23	Response of Plaintiffs and Plaintiff-Intervenor to defendants' motion to modify.	
<u>1976</u>		
Jan. 6	ORDER granting defendants' motion to modify; modifying this Court's decree of 7/23/71, so as to allow defendants to place committed students in training schools on the basis of need and not restrict such placements to sex and age. (Copies mailed to counsel.)	

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF ALABAMA

OFFICE OF THE CLERK

POST OFFICE BOX 711

MONTGOMERY, ALABAMA 36101-0711

THOMAS C. CAVER, CLERK

TELEPHONE (334) 223-7308

July 30, 1997

Hon. C. Chaeng  
U. S. Department of Justice  
CRD - SPC  
P. O. Box 66400  
Washington, DC 20035

Re: Charles Stockton, et al. vs. Ala. Industrial School for Negro Children, et al.  
Civil Action No. 2834-N

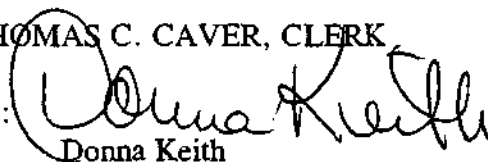
Dear Mr. Chaeng:

Per your request, I am enclosing a copy of the docket sheet in the above-styled case, together with orders entered 7/23/71 and 1/6/76.

Sincerely,

THOMAS C. CAVER, CLERK

By:

  
Donna Keith

/dk  
encl.

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

Johnson

## TITLE OF CASE

## ATTORNEYS

Civil Action No. 2834-N

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Defendants.

## For plaintiff:

Ira DeMent  
P. O. Box 4163  
Montgomery, Alabama 36104

## For defendant:

Goodwyn, Smith & Bowman  
325 Bell Building  
Montgomery, Alabama 36104

Claud W. Lavender, Jr.  
Alabama Department of Youth Services  
2388 Fairlane Drive  
Building D, Suite 29  
Executive Park  
Montgomery, Alabama 36111

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"	United States' motion to produce directed to E. B. Holloway and R. E. Belser.	
"	United States' motion to produce directed to Dr. Ernest Stone.	
11/21/69	ORDER granting motions to produce filed by the United States. Hon. Ruben King, a member of the defendant Board of Trustees, E. B. Holloway and R. E. Belser, as defendants, and Dr. Ernest Stone, a member of the defendant Board of Trustees, are each ordered to make available commencing Monday, November 24, 1969, the documents enumerated in said motions and continue to make said documents available for inspection and copying by agents of the plaintiff-intervenor during normal business hours from day to day until said copying has been completed. (Copies mailed to counsel.)	
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12/1/69	Motion of plaintiff-intervenor, United States of America, for continuance of trial.	
"	ORDER granting motion of U.S. and continuing trial of this cause from December 15, 1969, to January 14, 1970. (Copies mailed to counsel and to Denny Abbott.)	
12/10/69	ORDER (1) that all pretrial discovery be completed in this cause on or before January 5, 1970; (2) that all exhibits be filed with the Clerk for pre-numbering on or before January 8, 1970, and that any objections to the admissibility of the exhibits be made in writing on or before January 12, 1970; (3) that stipulations arrived at by the parties be filed on or before 1/8/70; (4) that the names of the inmate witnesses to be called by the Government be furnished counsel for the defendants on or before 1/8/70, for counsel's personal use; (5) that the names and addresses of expert witnesses that are to be used at the trial be furnished counsel for the opposing party on or before 1/8/70; (6) that the parties file their pretrial briefs on or before 1/14/70; and (7) that the attorneys representing the parties prepare and file with this Court on or before 12/16/69, a comprehensive pretrial order, said order to be in accordance with the discussion had with the Court in chambers this date. Fictitious parties defendant stricken. (Copies mailed to counsel.)	
12/13/69	United States' notice of taking depositions of Mrs. Dorothy Weiss, John Carr,	

DATE	PROCEEDINGS	Date Order Judgment No
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"	Writ of habeas corpus ad testificandum issued as ordered.	
12/30/69	Petition of U.S. for writ of habeas corpus ad testificandum and ORDER directing the Clerk to issue a writ of habeas corpus ad testificandum addressed to Warden, Draper Correctional Institution, Speigner, Ala. commanding him to deliver Roy A. Smith to U.S. Marshal and directing said Marshal or Deputy to bring said prisoner before this Court at Montgomery, Alabama, on January 14, 1970, at 9:00 a.m.	
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1/8/70	Petition of U.S. for writ of habeas corpus ad testificandum directed to E. B. Holloway, Superintendent, Alabama Industrial School for Negro Children, requiring him to deliver certain inmates of said institution to U.S. Marshal to testify at hearing on January 13, 1970, at 9:30 a.m.	
"	Notice of U.S. of use of expert witnesses.	
"	Names of inmate witnesses to be used by U.S. upon trial.	
"	Notice of U.S. of filing of exhibits.	
1/13/70	ORDER, upon joint oral motion of counsel for plaintiffs, the plaintiff-intervenor, and the defendants, upon certain conditions to be made more explicit in an order to be made Jan. 16, 1970, continuing the trial of this case. (Copies mailed to counsel.)	
1/16/70	Defendants' motion to stay.	
"	ORDER continuing trial of this case to 4/30/70, at 10 a.m.; ordering defendants to report in writing on or before 3/30/70 reciting in detail the status of each ground asserted in defendants' motion and the expected date of complete implementation of programs suggested in each ground of motion; granting the plaintiffs and plaintiff-intervenor leave to proceed to trial on 4/30/70 to make showings for further relief as to any ground of motion or additional relief, and granting plaintiff-intervenor leave to depose on oral examination and file with Clerk depositions of	

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	certain witnesses who are presently subpoenaed and who may be unavailable on 4/30/70. (Copies mailed to counsel.)	
3/4/70	Depositions of David Houston, Larry Williamson, Robert E. Johnson, Mary Jane Martin, Herbert Hoover Thomas, Sr.	
"	Depositions of Donald R. McClure, Helen Breasted, Calvin Leon Foxhall, Lillie McCullough, Arleathia Anderson Walker, Sheila King, Michelle Jones.	
3/27/70	Defendants' report in compliance with order of Jan. 16, 1970.	
4/28/70	Defendants' supplemental report.	
"	Motion of U.S. for continuance of trial of this cause.	
"	ORDER continuing the trial of this cause, presently scheduled for April 30, 1970, until further order. (Copies mailed to counsel.)	
9/18/70	Defendants' progress report.	
7/19/71	Stipulation of parties.	
7/23/71	ORDER adopting the verified proposed findings of fact and proposed conclusions of law as presented by the United States and which are attached to the order.	
"	DECREE. Judgment entered in favor of the plaintiffs and plaintiff-intervenor and against the defendants: Alabama Industrial School will continue to accept male juvenile delinquents between the ages of 15 and 18, without regard to race; capacity of school will be maintained at approximately 150, consistent with standards recommended by American Psychiatric Assn., as set forth in the findings of fact filed this date; farming program will not be resumed, except on a limited scale consistent with school's vocational and training program; school will continue to employ enough full-time counselors so that 24-hour supervision and guidance may be provided; one full-time recreational director and one trained recreation person for each 50 children to be employed; Social Services Dept. at school to continue to employ a full-time director with at least a Bachelor's Degree, and sufficient full-time social workers; the Medical and Diagnostic Center to continue to provide medical and health care to inmates of school; full-time registered nurse to be available at all time and a licensed physician to visit institution at least three times a week; corporal punishment not to be administered except as provided in memo issued on Feb. 13, 1970, by Mr. J. B. Hill to staff members; discipline and incentive program outlined in "Individual Conduct, Effort and Initiative Rating System" to continue to provide the basis for disciplinary system; school to continue to offer a vocational program aiming not only at development of specific skills but also emphasizing a responsible attitude toward work; sufficient numbers of qualified vocational counselors and instructors to continue to be assigned to school; Academic Dept. to conform to all Alabama State laws relating to educational standards for any public school; school to continue to maintain an orientation program headed by permanent orientation director. Court retains jurisdiction for all purposes. (Copies of findings of fact, conclusions of law, order, and decree mailed to counsel.)	

DATE 1972	PROCEEDINGS	Date Order of Judgment Noted
Oct. 5	ORDER closing case for record keeping purposes. Jurisdiction of subject matter and parties not relinquished.	
Mar. 25	Plaintiff-intervenor, U.S.'s motion for substitution. (Referred to Judge Johnson)	
25	ORDER that motion to amend to substitute the name of the Alabama Department of Youth Services, George Pheifer, Director, Department of Youth Services, Robert M. Hill, Jr., Chairman of the Alabama Youth Services Board, LeRoy Brown, B. G. Bryant, Guy Burns, A. C. Conyers, Jr., Robert D. Davis, Vera C. Foster, Howard B. Gundy, Taylor Hardin, Ira L. Myers, M. G. Prater, Julia J. Oliver, James T. Strickland, Jerry M. Vanderhoef, Richmond Pearson, members of the Alabama Youth Services Board, as in place of the named defendants be granted. (Copies mailed by certified mail to counsel and to new named defendants.)	
<u>1975</u>		
Dec. 6	Defendants' motion to modify this Court's decree of 7/23/71. Referred to Judge Johnson.	
8	ORDER that the plaintiffs and the plaintiff-intervenor herein file within 30 days from this date a response to the defendants' motion to modify. (Copies mailed to counsel.)	
23	Response of Plaintiffs and Plaintiff-Intervenor to defendants' motion to modify.	
<u>1976</u>		
Jan. 6	ORDER granting defendants' motion to modify; modifying this Court's decree of 7/23/71, so as to allow defendants to place committed students in training schools on the basis of need and not restrict such placements to sex and age. (Copies mailed to counsel.)	