

The "Committee of 100"

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P O Box 13,064
New York 10049

IN SUPPORT OF THE NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.
SUITE 2030 / 10 COLUMBUS CIRCLE, NEW YORK, N.Y. 10019 / Telephone (212) 586-8397

Dear Friend,

I am writing to tell you a story of injustice so shocking that it reads like fiction.

But the story is true. It involves a 34-year-old black man named Johnny Harris who, while serving five consecutive life sentences in Alabama for crimes he did not commit, was then wrongfully charged, convicted and sentenced to death for the murder of a prison guard — a murder that an eyewitness swears was committed by another prisoner!

You can see Johnny Harris in the enclosed photograph. He's standing next to William Allison, one of his attorneys.

THE NAACP LEGAL DEFENSE FUND (LDF), the organization on whose behalf I am writing you, has joined in the struggle to help Johnny Harris by providing both financial assistance and expert legal advice to the dedicated lawyers working to win his freedom.

Once you know the outrageous facts of this case, I believe you will share my conviction that Johnny Harris is innocent, and I fervently hope you will decide to join LDF's wholehearted support of his defense.

"BULL" CONNOR'S BIRMINGHAM

In March of 1970, Johnny Harris and his family became the first black family to move into a previously all-white neighborhood in Birmingham, Alabama.

At that time, although "Bull" Connor was no longer police commissioner, Birmingham was still under the influence of hard-line racists of the Old South, and black people "uppity" enough to move into a white neighborhood were automatically labelled as troublemakers.

Soon after the Harris family arrived, a neighborhood petition campaign was started to get them to move, and there were several incidents with the police.

A courageous white family that befriended the Harrises was viciously and repeatedly harassed. "KKK" was scrawled

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on their car, raw eggs were poured down its engine, and a cross was burned on this white family's lawn.

It was in this atmosphere of neighborhood hostility and racial bigotry that Johnny Harris was arrested without a warrant along with his father-in-law, Archie Reece, on August 11, 1970, while he was on his way to work.

For Johnny Harris it was the beginning of a nightmare that to this day has not ended. He was placed in a line-up where, he says, his photograph was handed around to insure that he would be the man identified, and afterwards he was booked for a robbery and a rape.

The police tried to get Harris to sign a confession, but he refused. The next day he was formally charged with four robberies in the amounts of \$11, \$67, \$90, \$205 and with the rape of a white woman who had two relatives on the Birmingham Police Force. Each of these charges in 1970 carried a maximum penalty of death.

Although Harris faced five possible death sentences, his court-appointed attorneys were so disgracefully lax that he never had a hope of getting a fair trial. For example:

1. The attorney appointed to represent Johnny Harris on the rape charge and two of the robbery charges never visited him.

2. Neither attorney filed pre-trial motions to challenge the arrest of Johnny Harris without a warrant, the search of his home without a warrant, or the questionable legality of the line-up procedures — even though the files of one of the attorneys show that he knew of these issues. Further, neither attorney bothered to examine the medical report on the alleged rape victim — a report which showed no evidence of forcible ravishment.

3. Following Harris' suggestion, one of the attorneys spoke with five people who could testify as to Harris' whereabouts on the evening of the alleged rape. Each was interviewed separately, and there were no significant discrepancies in their stories.

4. Yet neither attorney subpoenaed any defense witnesses, for alibis or otherwise, for the trial.

5. Harris testifies that a few minutes before the trial was to begin, one of his attorneys urged him to plead guilty to a life sentence because he felt the court would take the white woman's word over Johnny's, adding that he, the attorney, did not intend to buck the system.

6. According to Harris, the other attorney informed him

that he had not subpoenaed any defense witnesses and was unprepared to defend his client. He, too, urged Harris to plead guilty in exchange for a life sentence.

Put yourself in Johnny Harris' place for a second. Your trial is about to begin; you face five possible death sentences; your attorneys are completely unprepared for trial; and you are a black man living in the Birmingham of 1971.

When Johnny Harris saw that his attorneys had done nothing for his defense, and that a conviction on any one of the five charges could send him to the electric chair, he pleaded guilty and was immediately given five consecutive life sentences.

Yet this miscarriage of justice pales in comparison to what happened to Johnny Harris while in prison. There he was again charged with a crime he did not commit. But this time the charge was murder, and today Johnny Harris is faced with death in Alabama's electric chair, convicted of killing Officer Barrow, a prison guard.

THE INMATE REBELLION FOUNTAIN CORRECTIONAL CENTER

Johnny Harris was sent to Alabama's Fountain Correctional Center to serve his life sentences. In January, 1974, the inmates staged a rebellion to protest the conditions in the prison — conditions so hellish that Judge Frank M. Johnson later found the prison unfit for human habitation and ruled that just being a prisoner in this institution violated the constitutional prohibition against cruel and unusual punishment.

Unfortunately, at the time of the rebellion, Johnny Harris was in the segregation unit at Fountain, incarcerated in a cell not far from that of rebellion leader George Dobbins.

During negotiations outside the cell block, according to a white inmate, Warden Marion B. Harding threatened George Dobbins saying, "You goddamn black son of a bitch. You are a walking dead man, and Jesus Christ could not save you now. I'm killing you when I do get in there."

Later that same day, Warden Harding led a riot squad that stormed the cell block held by the prisoners. When it was over, two men were found dead — George Dobbins and Officer Barrow, a prison guard.

More than a year later, Johnny Harris was put on trial for the murder of Barrow. The delay in bringing him to trial may relate to the murder of Dobbins. For the same eyewitness who swears that another prisoner — and not Johnny Harris — murdered Officer Barrow also swears that the Warden carried out his threat and murdered Dobbins.

The eyewitness is Jesse Jett, a white man in his mid-forties, who was an inmate at Fountain during the 1974 rebellion. Jett states that Warden Harding subsequently threatened to kill him and forced him to sign a statement saying that Dobbins' death was necessary.

He further states that several months later, while still at Fountain, a prison guard took him and another inmate riding around and drinking beer for several hours. Then, he says, they crossed the state line into Florida where the guard told Jett to take the car and never come back to Alabama again or the Warden would kill him.

Some months later — with eyewitness Jett out of the way — Johnny Harris was tried and convicted of the murder of Officer Barrow. Bill Baxley, Alabama's attorney general at the time, personally prosecuted the case.

His star witness? None other than Warden Marion B. Harding!

By this time, Jett had been apprehended in Ohio, where he gave statements to two attorneys concerning the warden, Dobbins' killing, and his release by the Alabama guard in Florida.

Yet the attorney general's office, knowing of Jett and his whereabouts, did not disclose this knowledge to Johnny Harris and his lawyers and secured his conviction of the murder of Officer Barrow.

Fearing for his life, Jett fought extradition to Alabama for four years, but was finally returned to the state. Curiously, he has never been charged with escape.

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Equally curious is the fact that the other prisoner who was with Jett when they were driven over the Florida line, corroborates Jett's story of the trip with the guard except on the point that they were intentionally set free. Although this prisoner was serving a life sentence plus 34 years, he was granted a parole soon after March 19, 1979, when he signed an affidavit for the attorney general's office concerning the "escape."

From the beginning, the Alabama attorney general's office has known that Warden Marion B. Harding was a prime suspect in the murder of rebellion leader George Dobbins. Incredibly, that office decided it could not prosecute Harding because it had represented him in a lawsuit.

Jesse Jett may well be regarded as dangerous to both Harding and the attorney general's office; he has sworn that he was present during the storming of the cell block and that, while George Dobbins stood before a shower stall with his hands in the air, Jett saw and heard the Warden order a prison guard

OVER PLEASE →

to shoot Dobbins. He further says that, when Dobbins slumped to the floor after being shot, two guards pinned his arms down while Harding picked up a knife and stabbed Dobbins in the face five, six, or more times. A post-mortem examination revealed that the cause of death was wounds to the face and forehead of George Dobbins. Yet the Board of Corrections maintained publicly that George Dobbins had been killed by gunshot wounds unavoidably inflicted during the retaking of the cellblock by guards.

Today, Johnny Harris is on Alabama's Death Row. For a decade he has been in prison — caught in a series of injustices beginning with charges against him when his family moved into a white neighborhood in Birmingham and ending with the apparent suppression of Jett's evidence in his trial for the purpose of protecting Warden Harding.

Clearly, there is something rotten in Alabama.

For attorneys general in Alabama, rabid advocacy of the death penalty seems to make good political sense. While running for office, Alabama's current attorney general, Charles Graddick, referring to people facing death sentences, told voters of his determination to "fry them 'till their eyes pop out."

Johnny Harris' attorneys — William Allison, Clinton Brown, Eleanore Garber, Diana Hicks, and Paul Soreff — are working hard to win new trials for Johnny Harris, both for his wrongful convictions in Birmingham and for his unjust conviction for the murder of Officer Barrow.

Johnny Harris is a good man, an intelligent man, and over ten years in the hellholes of Alabama's prisons have not broken his spirit nor destroyed his hope that one day he will receive justice.

You can help bring that day closer by supporting LDF.

JOIN LDF TODAY

For over 40 years, LDF has been helping people like Johnny Harris in legal struggles to affirm, establish and advance civil rights.

We have won many major victories to secure equal educational opportunities, voting rights, and fair housing. LDF has been a leader in the struggle to win equal employment opportunity for black people.

Only voluntary contributions from private citizens


TO END →

like you make our work possible. Won't you reach out and join hands with Johnny Harris and the thousands of other black men and women who need our help by sending your tax-deductible contribution of \$25 or more today?

Whatever amount you send, large or small, LDF desperately needs your help to carry on its work.

Together, we can play a crucial role in winning freedom for Johnny Harris, and in bringing America closer to the dream of liberty and justice for all, regardless of the color of a person's skin.

Sincerely yours,



Paul Moore, Jr.
Chairman

P.S. Please make your check payable to NAACP LEGAL DEFENSE FUND. Your gift is tax deductible.

The NAACP LEGAL DEFENSE & EDUCATIONAL FUND is not part of the National Association for the Advancement of Colored People although it was founded by it and shares its commitment to equal rights. LDF has had for over 20 years a separate Board, program, staff, office and budget.

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Contributions are deductible for U.S. Income Tax purposes.

YES, I want to help in LDF's support of Johnny Harris's defense, and to assist LDF in its many other important efforts to help black Americans achieve fair and equal treatment—in seeking a job, a home, and a decent education. Enclosed is my tax-deductible contribution of:

_____ \$25 _____ \$50 _____ \$100
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Please make your check payable to **THE NAACP LEGAL DEFENSE FUND** and return with this card in the postage-paid envelope.

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Help!*

YOUR GIFT helps provide expert legal backing for blacks—men, women, and children—fighting racial discrimination in all parts of the United States. Some, like Johnny Harris, are fighting for their very lives. By your gift you participate in the struggle for inter-racial justice.





PRESIDENT:

JULIUS CHAMBERS of Charlotte, North Carolina. Mr. Chambers trained in LDF's national office and then founded North Carolina's first interracial law firm. Burned out of his office by a fire-bombing in 1971, Julius Chambers went on to win the landmark Charlotte-Mecklenburg School Desegregation case.



STAFF HEAD:

JACK GREENBERG of New York. Mr. Greenberg participated in the School Desegregation cases of 1954 under Thurgood Marshall. Succeeding him as Director-Counsel, Jack Greenberg today directs LDF's broad attacks on discrimination—in jobs, schools, housing, and the administration of justice.



Dedicated to the Creation of an America of Justice and Equality for ALL Our Citizens

THE NAACP LEGAL DEFENSE FUND (LDF) is an entirely independent organization, **not part of** The National Association for the Advancement of Colored People, or of any other agency. Thoroughly integrated in Board and Staff, LDF is the major organization using the courts to work toward a color-blind America. The "**COMMITTEE OF 100**" sponsors LDF's appeal to men and women of good will everywhere.

"Committee of 100"

in support of THE NAACP LEGAL DEFENSE FUND

P.O. Box No. 13,064
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Please excuse this appeal. We use an electronic system which eliminates most—but not all—duplicates.

("COMMITTEE OF 100" office at 10 Columbus Circle, Suite 2030, (NYC 10019.)

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