

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

BEULAH MAE DONALD, as)
Executor of the Estate of)
Michael Donald, deceased,)

ALABAMA STATE CONFERENCE OF)
BRANCHES, NATIONAL ASSOCIATION)
FOR THE ADVANCEMENT OF COLORED)
PEOPLE,)

HAZEL EUBANKS, individually,)
and in her capacity as)
President of the National)
Association for the Advancement)
of Colored People, Alabama)
State Conference of Branches,)
and on behalf of all others)
similarly situated,)

DR. R. W. GILLIARD, individ-)
ually, and in his capacity as)
President of the Mobile Branch)
of the National Association)
for the Advancement of Colored)
People, Alabama State Confer-)
ence of Branches, and on behalf)
of all others similarly)
situated,)

Plaintiffs,)
v.)

UNITED KLANS OF AMERICA, INC.,)
KNIGHTS OF THE KU KLUX KLAN,)
an Alabama corporation, and)
its agents, servants, employ-)
ees, and assigns,)

ROBERT M. SHELTON, as Imperial)
Wizard of the United Klans of)
America, Inc., Knights of the)
Ku Klux Klan,)

MOBILE KLAVERN, United Klans of)
America, Inc., Knights of the)
Ku Klux Klan, and its agents,)
servants, employees and assigns,)

ALABAMA RESCUE SERVICE, an)
unincorporated association,)

Case No. 84-0725-C-S

COMPOSITE COMPLAINT

(Contains original and
amended complaints in
combined form.)

ANGLO SAXON CLUB, INC., an)
 Alabama Corporation,)
)
 BENNIE JACK HAYS, individually,)
 and as Titan of the United)
 Klans of America, Inc., Knights)
 of the Ku Klux Klan,)
)
 HENRY F. HAYS, individually,)
 and as Exalted Cyclops of the)
 Mobile Klavern of the United)
 Klans of America, Inc., Knights)
 of the Ku Klux Klan,)
)
 JAMES LLEWELLYN KNOWLES, JR.,)
 FRANK COX, TEDDY LAMAR KYSAR,)
 THADDEUS O. BETANCOURT and)
 FRANK A. GINOCCHIO, WILLIAM)
 O'CONNOR,)
)
 UNKNOWN DEFENDANTS, K-1 through)
 K-50, who are Klan members and)
 others who participated in the)
 events set out in this complaint)
 and whose names are unknown to)
 the plaintiff at this time,)
)
 Defendants.)

I. Nature of the Action.

This is a civil action brought by the estate of a deceased black citizen of Mobile County, Alabama, Alabama Conference of Branches of the National Association for the Advancement of Colored People, and other named plaintiffs who sue in their individual capacities. Except for the estate plaintiff who sues individually, all other plaintiffs sue individually and as class representatives.

Plaintiff, the Estate of Michael Donald, seeks compensatory and punitive damages. The other plaintiffs seek declaratory and injunctive relief for a series of intimidating and violent acts committed against them by members of the United Klans of America,

Inc., Knights of the Ku Klux Klan, hereinafter referred to as the United Klans, and others acting with them. Plaintiffs allege that these actions were committed with the intent of depriving them, as black citizens, of their rights and privileges secured by the Constitution and laws of the United States.

II. Jurisdiction.

This action arises under 42 U.S.C. §§ 1981, 1985(3) and 1986. Jurisdiction is invoked pursuant to 28 U.S.C. §1331 and §1343. The amount in controversy exceeds the sum of ten thousand (10,000) dollars, exclusive of interest and costs. Plaintiffs seek, inter alia, a declaration of rights under 28 U.S.C. § 2201.

This court has pendent jurisdiction over the state law claims. These claims derive from the same nucleus of operative facts as the federal claims and the federal claims are substantial. In addition, the federal and state claims are such that a plaintiff would ordinarily be expected to try them all in one proceeding. Finally, the state claims are closely tied to the issues of federal law, so that this court should not exercise its discretion to refuse to hear the state law claims.

III. Class Action.

The plaintiffs Hazel Eubanks, Dr. R. W. Gilliard, and Alabama State Conference of Branches of the National Association for the Advancement of Colored People bring this suit on their own behalf and on behalf of all black citizens of Alabama, and all persons acting in concert with them, who seek to exercise their federal and state rights to redress their grievances in state and federal judicial forums and to not have the due course

of justice in the State of Alabama impeded, hindered, obstructed, and defeated by intimidation of the present and future jurors in Mobile County and the State of Alabama by the defendants with the intent to influence said jurors and thereby to deny present and future black defendants and plaintiffs the equal protection of the laws and the right to a fair and impartial trial by a jury of one's peers without regard to one's race. Additionally these plaintiffs also bring this complaint on behalf of all black citizens of Alabama who seek the right to life free from harassment, intimidation, physical harm and death at the hands of members of the defendant United Klans of America solely because of the race of said black citizens.

The individual plaintiffs sue on their own behalf and as class representatives pursuant to Rule 23 of the Federal Rules of Civil Procedure. The prerequisites of Rule 23(a) and of Rules 23(b)(2) and (b)(3) are satisfied. The class is so numerous as to make joinder of all of its members impracticable; there are numerous questions of law or fact common to the class; the claims of the individual named plaintiffs are typical of the claims of the class; and the individual plaintiffs will fairly and adequately protect the interests of the class. In addition, the defendants' actions, as described herein, were an attack on the plaintiff class, and thus clearly were taken on grounds generally applicable to the class, so that injunctive and declaratory relief with respect to the class as a whole is appropriate. Finally, the questions of law or fact common to the members of the class predominate over any questions affecting only

individual class members, and a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

The plaintiff Alabama Conference of Branches of the National Association for the Advancement of Colored People also has standing to present the claims of its own members, and virtually every one of its members throughout Alabama is also a member of the plaintiff class. Many members of the class have only limited financial ability to press their own claims. The Alabama State Conference of Branches of the National Association for the Advancement of Colored People has vigorously represented black citizens in lawsuits to secure their rights in Alabama for many decades.

IV. Parties.

A. Plaintiffs.

1. Beulah Mae Donald is the Executor of the Estate of Michael Donald, deceased. She is over the age of 21, is a resident of Mobile County, Alabama and a citizen of the United States.

2. The Alabama State Conference of Branches of the National Association for the Advancement of Colored People is a non-profit association operating under a charter from the National Association for the Advancement of Colored People which is incorporated in New York State, and which seeks to secure and protect the rights of black people in the United States, through lawful protest, litigation, and other similar activities. It has members throughout Mobile County and the State of Alabama.

3. Hazel Eubanks is over the age of 21, a resident of Tuscaloosa County, and a citizen of the United States. She is President of the Alabama State Conference of Branches of the National Association for the Advancement of Colored People. The Alabama State Conference of Branches operates under the rules and bylaws of the National Association for the Advancement of Colored People.

4. Dr. R. W. Gilliard is over the age of 21, a resident of Mobile County, Alabama, and a citizen of the United States. He is President of the Mobile Branch of the National Association for the Advancement of Colored People. The Mobile Branch is an unincorporated association chartered to operate by the Alabama State Conference of Branches of the National Association for the Advancement of Colored People and operates under the rules and bylaws of the National Association for the Advancement of Colored People.

B. Defendants.

5. The United Klans of America, Inc., Knights of the Ku Klux Klan, hereafter referred to as the United Klans, is an Alabama corporation also doing business as the Alabama Rescue Service. Its main place of business is in Tuscaloosa County, Alabama. Its address is Box 2369, Tuscaloosa, Alabama 35401. The United Klans operates in Alabama and other parts of the United States.

6. Robert Shelton is the Imperial Wizard or highest official of the United Klans. He is a white citizen of Tuscaloosa County, Alabama. He is over the age of 21 and is sued

only in his official capacity as head of the United Klans. He is not charged individually, at this time, of any conspiratorial acts against the plaintiffs.

7. The Mobile Klavern, United Klans of America, Inc., Knights of the Ku Klux Klan is a chartered unincorporated association or group of the United Klans. The Mobile Klavern is headquartered in Mobile, Alabama and its exact business address is unknown to the plaintiffs.

8. Bennie Jack Hays is a white citizen of Mobile County, Alabama. He is over the age of 21 and is Titan or state regional leader of the United Klan. He is sued in his official capacity and also individually as to certain specific allegations contained herein.

9. Henry F. Hays is a white citizen of Mobile County and is over the age of 21. During the times of the acts alleged herein, he was Exalted Cyclops or head of the Mobile klavern of the United Klans. He is presently incarcerated at Holman Prison, Atmore, Alabama.

10. James Llewellyn Knowles, Jr. is a white citizen of the United States and is over the age of 21. At all times relevant to the allegations contained herein, he was a citizen of Mobile County, Alabama. He is now being provided security by the United States Justice Department as part of the witness protection program and his place of residence is unknown to plaintiffs.

11. Frank Cox is a white citizen of Mobile County, Alabama and is over the age of 21. He is a member of the United Klans.

12. Teddy Lamar Kysar is a white citizen of Mobile County, Alabama and is over the age of 21. He is a member of the United Klans.

12a. Thaddeus O. Betancourt is a white citizen of Mobile County, Alabama and is over the age of 21. He is a member of the United Klans.

12b. Frank A. Ginocchio is a white citizen of Mobile County, Alabama and is over the age of 21. He is a member of the United Klans.

12c. William O'Connor is a white citizen of Mobile County, Alabama and is over the age of 21. He is a member and officer of the United Klans.

12d. Alabama Rescue Service is an unincorporated association. Its main place of business is in Tuscaloosa County, Alabama. Its address is Box 2369, -Tuscaloosa, Alabama 35401. Alabama Rescue Service operates in Alabama and other parts of the United States.

12e. Anglo Saxon Club, Inc. is an Alabama corporation. Its main place of business is in Tuscaloosa County, Alabama. Its address is Box 2369, Tuscaloosa, Alabama 35401. Anglo Saxon Club operates in Alabama and other parts of the United States.

13. Unknown Defendants K-1 through K-50 are members of the United Klans and persons acting in concert with members of the United Klans who engaged in conspiracies against the plaintiffs and the plaintiff class as set out in the complaint.

V. Statement of Facts.

14. The United Klans is a membership corporation dedicated to the principle of purity and supremacy of the white race. Membership is restricted to white persons of non-Jewish ancestry who must swear an unqualified allegiance to the United Klans and the white race. At times, the United Klans does business as the Alabama Rescue Service, and its true identity is otherwise unknown to the plaintiffs.

15. The United Klans is a membership organization, charging a \$20.00 introductory fee and monthly dues of \$2.00. Individuals pay their United Klans dues to their local klaverns, and a portion of said dues are forwarded to the United Klans office in Tuscaloosa, Alabama.

16. The United Klans is controlled and directed by defendant Robert Shelton, who holds its highest office, that of Imperial Wizard. - Other officers and officials known to plaintiffs are: Benny Jack Hays, Titan; Henry F. Hays, Exalted Cyclops; W. F. Kidd, Imperial Klaliff; Paul Book, Imperial Klokard; James H. Spears, Imperial Kludd; Buddy Comer, Imperial Kligrapp; Louis Perkins, Imperial Klabee; Ray Turner, Imperial Kladd; Benny Medlin, Imperial Klēxter; Clinton Tapper, Imperial Klarogo; and Hayward Jenkins, Imperial Knighthawk.

17. The United Klans charters subgroups through the State of Alabama and in other states. These subgroups are called klaverns. Upon information and belief, plaintiffs assert that the United Klan has Klaverns in the following Alabama towns and counties: Mobile (Mobile County), Bessemer, Birmingham, Wylam (Jefferson County), Decatur (Morgan County), Montgomery

(Montgomery County), Ardmore (Limestone County), Arab (Marshall County), Eufaula (Barbour County), Gadsden (Etowah County), and Sylacauga (Talladega County). The defendant United Klans and its leaders keep the identity and location of many of its klaverns secret.

18. The United Klans and its members have a long history of using violence to intimidate, harass, and even murder black citizens and whites who support efforts to obtain legal rights for blacks.

19. In May, 1961, members of the U. S. Klans, Knights of the Ku Klux Klan, Inc., the forerunner of the United Klans, and its chief officer, Robert M. Shelton and other Klan members conspired and acted to interfere with the travel of passengers in interstate commerce by setting fire to a Greyhound bus at Anniston, Alabama, beating black and white passengers of a group known as Freedom Riders in Birmingham and Montgomery. See United States v. U. S. Klans, Knights of the Ku Klux Klan, Inc., 194 F.Supp. 897 (1961).

20. In September, 1963, United Klans member Robert Chambliss and other Klan members bombed the Sixteenth Street Baptist Church in Birmingham, Alabama with dynamite, killing four young black children. In 1977, Klansman Chambliss was convicted for this Klan assault and murder of these black children.

21. In July, 1964, United Klans members Herbert Guest, James Lackey, Cecil Myers, and Howard Sims selected at random a black man, U. S. Army Reservist Colonel Lemuel Penn, who was traveling through Georgia on an interstate highway, and killed

him. These four Klan members were convicted in federal court of violating Colonel Penn's civil rights.

22. In May, 1965, United Klans members Eugene Thomas and Leroy Collins shot and killed a white woman, Viola Liuzzo, as she was traveling on an interstate highway carrying black civil rights marchers from Selma to Montgomery, Alabama. Thomas and Collins were convicted for this crime by a federal jury.

23. In July, 1979, thirteen United Klans members fired shots into the Childersburg, Alabama home of NAACP President Charles Woods because of his and the NAACP's active support for black rights in Alabama. These Klan members were convicted in federal court. See United States v. Johns, et al., 615 F.2d 672 (N.D. Ala. 1979).

24. In August, 1979, thirteen United Klans members beat and flogged Leon Richard Jarrett, a black man, in Childersburg, Alabama. They were convicted by a federal jury of violating his civil rights. See United States v. Johns, supra.

25. In February, 1980, Jimmy Dan Kilgore, a financial supporter of the United Klans, ran a car being driven by Danny Adams off a state highway in DeKalb County, Alabama and severely beat Mr. Adams. Mr. Adams is black. He was married to Sharon Adams, a white woman, who was traveling with him at the time in the car. Both the Adamses were unknown to Jimmy Dan Kilgore, and Mr. Adams was beaten because of his interracial relationship. Mr. Kilgore was convicted by a federal jury. See United States v. Kilgore, CR 81-C-27-NE (N.D. Ala. 1981).

26. In March, 1981, Josephus Anderson, a black man, was being tried in the Circuit Court of Mobile County for the murder of a white Birmingham policeman. The trial had been moved from Jefferson County, Alabama because of widespread publicity. The jury trying Mr. Anderson was composed of eleven blacks and one white.

27. On or about March 18, 1981, defendants Bennie Jack Hays, William O'Connor, Frank Cox, Henry Hays, James Llewellyn Knowles, Jr., Teddy Lamar Kysar, Thaddeus O. Betancourt, and Frank A. Ginocchio and other member of the United Klans, Mobile Klavern Unit 900, whose names are unknown to plaintiffs at this time, gathered for a regular weekly meeting of Unit 900 in the Unit's meeting building located on the property of defendant Bennie Jack Hays on Gunn Road in Mobile County. At said meeting the assembled group discussed the trial of a black man for the shooting of a white police officer that was taking place in the Mobile County Courthouse. The trial, that of Josephus Anderson, was of particular concern to the defendants at this United Klans meeting, because it was a subject the United Klans would take notice of based on their racist philosophy and past violent history. Defendant Betancourt, prior to this meeting, had clipped a newspaper story about the Anderson trial and placed it in the Unit 900 Klan scrapbook.

28. Just prior to and during the trial of Josephus Anderson, a Klan-type cross was burned at the Mobile County Courthouse and near the home of a black Mobile resident.

Several ropes with hangman's nooses were found in public places in Mobile County.

28a. At the Unit 900 meeting described in paragraph 27, above, the defendants present at said meeting discussed the killing of a black man if the jury trying Josephus Anderson failed to convict him for shooting the white Birmingham police officer. At this meeting, defendant Henry Hays said in the presence of the other assembled defendants previously identified in paragraph 27 that "a nigger ought to be hung by the neck until dead to put them in their place." Defendant Frank A. Ginocchio agreed with this statement by defendant Henry Hays and stated that, "we gonna kill a nigger." Other defendants present voiced approval with the plan to kill a black person if the jury trying Josephus Anderson did not return a guilty verdict. Defendant William O'Connor stated at said meeting words to the effect: "If a nigger [referring to Josephus Anderson] gets away with killing a white man [referring to the Birmingham policeman who Josephus Anderson allegedly shot], then a nigger should be hung."

29. Within two or three days prior to March 20, 1981, the day that the interracial jury trying Josephus Anderson deadlocked, defendants Bennie Hays, James Knowles, and Henry Hays met together at a place unknown to plaintiffs and discussed "what people would think if they found a nigger hanging from a tree in Mobile County." During the joint discussion, defendant Bennie Hays told defendants Henry Hays and James Knowles "not to do anything until after Friday because he was selling his apartments on Herndon Avenue [the place where the body of Michael Donald would later be found hanging by the neck from a tree.]"

30. Within a week prior to March 20, 1981, the time otherwise unknown to the plaintiffs, defendants Henry Hays, Frank Cox, James Knowles, and Teddy Kysar conspired together to burn a Klan-type cross on the lawn of the Mobile County Courthouse during the late night hours should the interracial jury trying Josephus Anderson either acquit Mr. Anderson or report deadlocked. The purpose and intent of this conspiracy to burn a cross on the courthouse lawn was to impede, hinder, obstruct, and defeat, by intimidation, present and future jurors in Mobile County and Alabama from ruling in favor of black defendants who were charged with crimes against whites, or in favor of black plaintiffs seeking to recover damages from whites, thus denying black citizens of the equal protection of the laws and the right to a fair and impartial trial by a jury of one's peers without regard to one's race.

31. Within a week prior to March 20, 1981, the time otherwise unknown to the plaintiffs, defendants Henry Hays, James Knowles, and other persons unknown to plaintiffs at this time, met and conspired together to select a black person at random to lynch should the interracial jury then presently trying Josephus Anderson acquit Mr. Anderson or deadlock. The purpose of this conspiracy was twofold: first, to intimidate present and future jurors in Mobile County and Alabama from ruling in favor of black defendants charged with crimes against whites or in favor of black plaintiffs seeking to recover damages from whites, thereby denying black citizens the right to a fair and impartial trial; and second, to "show the strength of the [United] Klans" and to

show [blacks] that [the United Klans was] still here in Alabama," thereby intimidating and threatening black citizens who would attempt to exercise their right to vote, to equal employment, to open housing, to free association with persons of all races, to equal justice, and to life, liberty and the pursuit of happiness as guaranteed by the federal and state laws. These actions on the part of defendants Henry Hays, and James Knowles were done to carry out the plan of defendants identified and set forth in paragraph 27, above, to kill a black person should the jury trying Josephus Anderson not find him guilty.

32. On the afternoon and night of March 20, 1981, defendants Henry Hays, James Knowles, Frank Cox, Teddy Lamar Kysar, Thaddeus O. Betancourt, Frank A. Ginocchio, and Klanmembers David Keen, Denise Hays, and defendant William O'Connor, and other Klanmembers and persons acting in concert with the defendants, whose identities are unknown to plaintiffs at this time, gathered at and/or visited the home of Henry Hays at 111 Herndon Street in the City of Mobile to await the jury verdict in the Josephus Anderson trial.

33. Defendant James Knowles, and other persons unknown to the plaintiff at this time, prepared a large Klan-type cross for burning later in the night of March 20, 1981, on the Mobile County Courthouse lawn, as described above, and hid said cross behind defendant Henry Hays' house on Herndon Avenue.

34. Sometime during the night of March 20, 1981, before the 10:00 p.m. television news broadcast, defendants Henry Hays, Frank Cox, and James Knowles procured a nylon rope from Frank

Cox's mother's house. Defendant James Knowles tied a hangman's knot at the end of this rope.

35. Defendants Henry Hays and James Knowles procured a loaded pistol from United Klans member Johnny M. Jones subsequent to defendants' discussions of killing a black person as set out in paragraph 27, above. The sole purpose of procuring said pistol was to aid in the kidnapping of a black person to carry out the plan described in paragraph 27 above.

36. During the 10:00 p.m. television news broadcast on March 20, 1981, the defendants and other persons gathered at defendant Henry Hays' home learned that the interracial jury trying Josephus Anderson had deadlocked. Upon learning this information, or shortly thereafter, defendants Henry Hays and James Knowles left the other defendants gathered at 111 Herndon Avenue.

37. Between 10:30 and 11:30 p.m. on the night of March 20, 1981, defendants Henry Hays, James Knowles, and other persons unknown to plaintiffs at this time, randomly picked Michael Donald, a black man, from a Mobile street, forced him into their automobile using the gun obtained from United Klans member Mac Jones, choked Michael Donald with the rope noose, and cut him on his throat with a knife, rendering him wounded and unconscious.

38. Defendants Henry Hays and James Knowles took the unconscious body of Michael Donald to Henry Hays' home on Herndon Street and showed it to defendant Frank Cox between the hours of midnight, March 20, 1981 and 5:00 a.m., March 21, 1981. At that time, the noose tied in the rope was around Michael Donald's neck.

39. Between 2:00 a.m. and 3:00 a.m. on the morning of March 21, 1981, defendants Frank Cox and Teddy Kysar took the cross prepared by defendant James Knowles and burned it on the Mobile County Courthouse lawn.

40. Between midnight, March 20, 1981, and 5:00 a.m., March 21, 1981, defendants James Knowles, Henry Hays, and other persons unknown to plaintiffs at this time, took the unconscious body of Michael Donald and hung it by the neck from a tree next to a public street in the City of Mobile.

41. After hanging Michael Donald from the tree, as described above, defendants Henry Hays, James Knowles, and Teddy Kysar viewed the body from the porch of a house near the scene, and defendant Kysar said to defendant Knowles, "good job, Tiger." "Tiger" is the nickname of defendant James Knowles.

42. The Mobile Police Department did a thorough job investigating the cross burning and lynching described herein, but failed to learn the identity of the guilty parties. On June 16, 1983, the United States Attorney for the Southern District of Alabama returned an information against defendant James Knowles, charging him with the part he played in the cross burning and lynching described herein. No facts or information as to other persons involved in the conspiracies alleged in this complaint were announced or made public by the United States Attorney or the Justice Department. Defendant James Knowles was placed into protective custody of the United States Justice Department. On June 22, 1983, a special Mobile County Grand Jury indicted defendant Henry Hays for the murder of Michael Donald. Defendant

Henry Hays was tried in Mobile Circuit Court from December 6 through 10, 1983, at which time plaintiffs first learned the involvement of many of the defendants named herein and first had an opportunity to learn of the conspiracy alleged. Even at this time, plaintiffs do not know the names of all the persons guilty of the cross burning and lynching described herein. The defendants fraudulently concealed their various actions set out herein, and the plaintiffs, exercising due diligence, could not reasonably ascertain the identities of the named defendants, with the exception of defendant Henry Hays and James Knowles, until December 6 through 10, 1983. Because of the defendants' continuing fraudulent concealment of the identities of all the persons involved in the conspiracies alleged herein, plaintiffs are unable at this time to learn the identities of said persons.

43. The United Klans carries on its Klan activities through several front groups that are one and inseparable from the United Klans. The United Klans totally dominates these front groups to the extent that none of these front groups have a separate identify or corporate existence of their own and function solely to achieve the purposes of the United Klans. These front groups are the Alabama Rescue Service and the Anglo Saxon Club, Inc.

44. The Alabama Rescue Service functions as one of the banking instrumentalities of the United Klans. Its chief operating officer is defendant Robert Shelton, who, as Imperial Wizard, is also the chief operating officer of the United Klans. The United Klans funnels most of its cash through the Alabama Rescue Service, and uses this group to pay most of its bills.

Both the United Klans and the Alabama Rescue Service have the same address. The Alabama Rescue Service maintains no books and records of its own, holds no meetings, has no board of directors or controlling body, has no members, and has no officers other than defendant Robert Shelton and United Klans member Lewis Perkins. Mr. Perkins is treasurer of both the United Klans and the Alabama Rescue Service.

45. Anglo Saxon Club, Inc. was incorporated by members of the Ku Klux Klan for the sole purpose of acquiring and holding real property for Klan use. Anglo Saxon Club holds legal title to the building and land used by United Klans for its headquarters. Its membership was restricted to Klan members when it was originally founded in 1958. Anglo Saxon Club now has no members. It is totally controlled by defendant Robert Shelton and United Klans. Anglo Saxon Club has not held a meeting for the past eight years, maintains no books and records, has no corporate minutes, and maintains no bank account. Defendant Robert Shelton is President of both the United Klans and Anglo Saxon Club. Lewis Perkins is treasurer of both the Anglo Saxon Club and the United Klans. Anglo Saxon Club's trustees are defendant Robert Shelton and his wife, and United Klans member Lewis Perkins and his wife. Funds of both groups are co-mingled without regard to their legal ownership. Both the United Klans and Anglo Saxon Club have the same address.

46. United Klans, Alabama Rescue Service, and Anglo Saxon Club are one and the same entity. Any separate identity any of these groups might have had prior to the incidents alleged in

this complaint has merged. All of the conspiracies and acts alleged in this complaint against the United Klans are equally applicable to both the Alabama Rescue Service and the Anglo Saxon Club in that both of these groups are one in the same as the United Klans.

VI. First Cause of Action.

43. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

44. The actions of defendants Henry Hays and James Knowles in conspiring to kidnap and lynch Michael Donald, solely because he was a black person, and for the purpose of depriving black citizens of Alabama of the equal protection of the laws, and of equal privileges and immunities under the law are in violation of 42 U.S.C. §1985(3).

VII. Second Cause of Action.

45. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

46. The actions of defendants Henry Hays and James Knowles in conspiring to kidnap and lynch Michael Donald solely because he was a black person was in violation of 42 U.S.C. §1985(3).

VIII. Third Cause of Action.

47. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

48. The failure of defendants Bennie Jack Hays, William O'Connor, Teddy Lamar Kysar, Thaddeus O. Betancourt and Frank A. Ginocchio to take feasible steps to aid in preventing the lynching of a black person, namely Michael Donald, by informing the lawful authorities or otherwise, after said defendants had knowledge that such an act would possibly take place, violated the command of 42 U.S.C. §1986.

IX. Fourth Cause of Action.

49. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

50. The failure of defendant Frank Cox to take feasible steps to aid in preventing the death of Michael Donald by informing the lawful authorities or otherwise, after defendant Frank Cox was shown the unconscious body of Michael Donald with a noose around its neck and in the possession of fellow United Klans members James Knowles and Henry Hays, violated the command of 42 U.S.C. §1986.

X. Fifth Cause of Action.

51. Plaintiffs re-allege paragraphs 14 through 46 of Part V.

52. The defendants United Klans, the Mobile Klavern of the United Klans, Alabama Rescue Service and Anglo Saxon Club, Inc. through its members and officials who were acting as agents for and on behalf of said defendants, violated 42 U.S.C. §1985(3) by its members and officials conspiring to illegally kidnap and lynch Michael Donald, solely because of his race, and to deprive black citizens of the equal protection of the laws, and of the equal rights and immunities under the law.

XI. Sixth Cause of Action.

53. Plaintiffs re-allege paragraphs 14 through 46 of Part V.

54. The defendant United Klans, the Mobile Klavern of the United Klans, Alabama Rescue Service, and Anglo Saxon Club, Inc. through their members and officials who were acting as agents for and on behalf of said defendants, violated 42 U.S.C. §1985(3) by their members and officials conspiring to intimidate jurors in cases where blacks are defendants charged

with crimes against whites and where blacks are plaintiffs seeking damages from whites, thereby denying blacks equal protection of the laws and the right to a fair and impartial trial by a jury of one's peers without regard to one's race.

XII. Seventh Cause of Action.

55. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

56. The defendants Henry Hays, Frank Cox, James Knowles, and Teddy Lamar Kysar violated 42 U.S.C. §1985(3) by conspiring together to intimidate jurors in cases where blacks are defendants charged with crimes against whites and where blacks are plaintiffs suing whites for damages, thereby denying blacks equal protection of the laws and the right to a fair and impartial trial by a jury of one's peers without regard to one's race.

XIII. Eighth Cause of Action.

57. Plaintiffs re-allege paragraphs 14 through 42 of Part V.

58. The defendants Henry Hays, Frank Cox, James Knowles, and Teddy Lamar Kysar, by their actions described herein, deprived plaintiffs of the full benefit of laws and proceedings for the security of persons, as is enjoyed by white persons, in violation of 42 U.S.C. §1981.

XIV. Ninth Cause of Action.

59. Plaintiffs re-allege paragraphs 14 through 46 of Part V.

60. The actions of defendants Henry Hays and James Knowles described herein, constituted tortious invasions of Michael Donald's rights. In particular, these actions subjected him to a willful, wanton and unlawful assault and battery that caused his

death. All of these actions were taken by the named individual defendants while acting in the line and scope of their duties as officials and members of the United Klans, Alabama Rescue Service and Anglo Saxon Club, Inc. The United Klans, Alabama Rescue Service and Anglo Saxon Club, Inc., knew or should have known that its officials and members would engage in such actions in furtherance of the goals of said groups.

XV. Relief.

Wherefore, premises considered, plaintiffs respectfully pray that this Court:

1. Certify this case as a class action.

2. Issue its declaratory judgment that the actions described herein deprived the plaintiffs of rights guaranteed them by 42 U.S.C. §§ 1985(3), 1986 and 1981; and by the Alabama Constitution, statutory and common laws.

3. Grant permanent injunctive relief enjoining all defendants and those acting in concert with them from engaging anywhere in the United States in any violent or intimidating actions which would have the purpose or would reasonably be expected to have the effect of intimidating or interfering with the exercise by black citizens, and those acting in concert with them, of the rights protected and guaranteed by the laws cited in the preceding paragraphs, or which would reasonably be expected to have the effect of interfering with the constituted local, state or federal authorities' provision and securing of these rights for black citizens and those acting in concert with them; and further, and in particular, enjoin all such actions by the

defendants, their agents, servants, employees, and assigns, and all persons acting in concert with them, directed against the plaintiff class in any part of Alabama, and require that said injunction be posted at all meetings of the United Klan.

4. Award plaintiff Beulah Mae Donald, as Executor of the Estate of Michael Donald, deceased, the sum of \$10,000,000.00 (ten million dollars) in compensatory damages, and an additional \$10,000,000.00 (ten million dollars) in punitive damages against the defendants United Klans, the Mobile Klavern of the United Klans, Alabama Rescue Service, Anglo Saxon Club, Inc., Frank Cox, Bennie Jack Hays, James Knowles, William O'Connor, Thaddeus O. Betancourt, Frank A. Ginocchio and Henry Hays, jointly and severally.

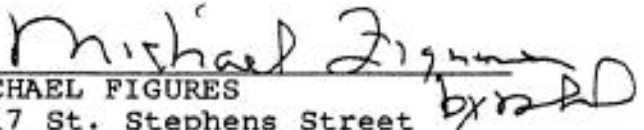
5. Award the plaintiff class \$500,000.00 (five-hundred thousand dollars) in compensatory damages, and an additional \$500,000.00 (five-hundred thousand dollars) in punitive damages, against the defendants United Klans, Mobile Klavern of the United Klans, Alabama Rescue Service, Anglo Saxon Club, Inc., Teddy Kysar, James Knowles, Frank Cox, and Henry Hays.


6. Refer to the United States Attorney for the Southern District of Alabama for investigation and possible prosecution, any acts of the defendants which appear to be violations of federal criminal statutes.

7. Award plaintiffs reasonable costs and attorney's fees.

8. Grant plaintiffs such other relief as the Court deems necessary and just.

Respectfully submitted,


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The plaintiff demands a trial by jury.


Morris Dees
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing have been served upon all counsel of record and all pro se defendants by U.S. first class mail, postage prepaid, this 19 day of August, 1985.


ATTORNEY FOR PLAINTIFFS