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OFFICE OF THE ATTORNEY GENERAL

QUARTERLY REPORT
OF
OFFICE ACTIVITIES

CHARLES A. GRADDICK
ATTORNEY GENERAL
STATE OF ALABAMA

OCTOBER - DECEMBER
1982

PUBLIC SCHOOL ASBESTOS REMOVAL

Asbestos, a proven cause of cancer, asbestosis, and other life-threatening lung diseases, is being removed from public school buildings in Alabama as the result of a lawsuit filed in October by Attorney General Charles A. Graddick. Asbestos was used in construction for many years as insulation and as a sprayed ceiling covering. Preliminary test results show that many school offices and classrooms have widespread asbestos installation.

Asbestos fibers are too small to be seen by the naked eye and can float in the air for hours after being dislodged. They have no odor or taste. Once breathed into the lungs, asbestos cannot be expelled by the human body, and remains as a potential cause of serious illness. A pulmonary disease expert testified that the harmful effects of asbestos exposure cannot be detected until many years after it occurs.

The agreement negotiated by the Attorney General with state finance and education officials reserves $75 million in oil windfall monies for asbestos detection and removal. Testing is underway in many of the state's school districts, and work crews will be in affected schools during the 1983 summer recess to remove and replace or encapsulate all asbestos materials.

School systems which have asbestos must use their per-pupil shares of oil windfall money to eliminate the health hazard before receiving money for other capital improvements, Graddick said. Any school system which is able to certify after testing that no asbestos exists in any of its buildings may receive its entire share of the oil windfall for other projects.

The Attorney General's Office received assistance in the asbestos litigation from a number of organizations, including Alabama State PTA and many school PTA chapters, Alabama Education Association, the Safe State Program of the University of Alabama, and the White Lung Association.

PLAINTIFF'S EXHIBIT
CAP-1692

ATTORNEY GENERAL'S CRIME PACKAGE

A package of law enforcement legislation will be submitted to the Alabama Legislature by Attorney General Graddick, either in a special session to be called by Governor Wallace or in the 1983 Regular Session. Five of the bills in the Graddick package were passed in the final special session of 1982, but were rejected by the courts after the previous Administration failed to deliver them to the Secretary of State within the 10 days required by law. The five bills are:

Controlled Substances - Brings the Uniform Controlled Substances Act into the Alabama Criminal Code, enabling state prosecutors to use the Habitual Offender Act and the conspiracy law against drug offenders.

Abolish Insanity Defense - Abolishes the verdict of "innocent by reason of insanity" and provides for the imposition of a prison sentence to be served after a period of treatment for mental illness in cases where the defendant is found to be guilty but mentally ill.

Child Pornography - Brings Alabama law into line with U. S. Supreme Court decisions which make it easier for states to prosecute and convict producers and distributors of obscene materials depicting children under the age of 17.

Illegal Food Stamps - Makes possession of stolen food stamps a felony.

Escape from Work Release - Makes escape by a state inmate from work release, leave or furlough a felony, and permits a law officer who locates an escaped inmate to make an arrest without a warrant.

The Attorney General will ask the Legislature to require the Alabama Board of Pardons and Parole to give notice of parole hearings to crime victims and to law enforcement agencies. Victims and law officers would be given the opportunity to speak at a public hearing before any parole decision by the Board. The proposed law is intended to prevent the release of inmates who might pose a threat to their previous victims or to the families of victims.

Attorney General Graddick will again support legislation to give the State of Alabama the right to appeal in certain aspects of criminal prosecution. Under current law, criminal defendants have the right to appeal, but the State does not. Graddick said the State should have the right of appeal in five areas: suppressing evidence prior to a trial; allowing a motion to dismiss an indictment, information or complaint; quashing an arrest or search warrant; suppressing a

confession or admission; or dismissing a complaint or indictment on constitutional grounds or grounds of double jeopardy.

Another bill proposed by Graddick would give law officers authority to use search warrants after sundown, when most crimes such as dealing in stolen property and drug trafficking take place. The Attorney General also supports legislation to increase penalties for drunk driving.

Questions or comments concerning the Attorney General's crime package should be sent to: Attorney General Charles A. Graddick, 250 Administrative Building, Montgomery, AL 36130.

LOOK-ALIKE DRUGS

In a case which set a precedent for use of the Alabama Deceptive Trade Practices Act, a Montgomery pharmacist was enjoined from selling counterfeit drugs labeled as controlled substances. The "look-alike" counterfeits were represented to be amphetamines, depressants, anesthetics and other controlled substances produced by major pharmaceutical manufacturers.

"Look-alikes" increase the likelihood of confusion between the mostly harmless fakes and potentially dangerous drugs, and could cause misdiagnosis by a physician treating an overdose victim under emergency circumstances.

CRIMINAL PROSECUTION

Escambia County Tax Collector Leonard L. Peevy was indicted in November for the theft of $48,786 in county tax revenues.

Former Oil and Gas Board inspector Thad Leon Slay was indicted in November for extortion and using his office for personal gain by demanding payoffs from a drilling equipment contractor.

Otho Belton "Sonny" Loper II and wife Martha Loper were indicted in Mobile in November on theft and forgery charges. The couple allegedly bilked an elderly Mobile couple of $27,600 in a fraudulent timber transaction.

Former University of Alabama at Birmingham employee Jeanette Mills was sentenced to three years probation for embezzling money from the Alabama Special Olympics.

Jerome C. Averette, former executive director of Youth Development, Inc., in Birmingham, was sentenced to serve one year for embezzlement of $2,475 from the program, and was ordered to make full restitution after his release from prison. He will spend an additional five years on supervised probation.

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WELFARE FRAUD UPDATE

The Attorney General's Welfare Fraud Unit obtained indictments against 142 defendants in Jefferson County in December, involving a total of more than $350,000 in stolen food stamps and Aid to Dependent Children benefits. In Mobile, prosecution is proceeding against 88 people involved in the theft of a total of $114,741 in welfare benefits, while 22 other defendants in Madison County were recently ordered to repay $51,333 to the Alabama Department of Pensions and Security.

DEATH PENALTY

In October, the Attorney General asked the Alabama Supreme Court to set an execution date for John Louis Evans III, sentenced to death in 1977 for the murder of a Mobile businessman. The Court has not acted on the motion.

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TO COMMENT OR FOR FURTHER INFORMATION CONTACT:

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