

543 F.Supp. 198

United States District Court, S. D. Texas, Houston Division.

VIETNAMESE FISHERMEN'S
ASSOCIATION, et al., Plaintiffs,

v.

The KNIGHTS OF THE KU
KLUX KLAN, et al., Defendants.

Civ. A. No. H-81-895.

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June 3, 1982.

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Final Judgment June 9, 1982.

Synopsis

Organization of Vietnamese fishermen and individual fishermen sued Knights of the Ku Klux Klan and others for injunctive relief based on violation of various rights protected by federal and state statutes and the United States Constitution. Relief was granted as to civil rights and other claims, [518 F.Supp. 993](#), leaving issue of the Klan's military operations. The District Court, McDonald, J., held that: (1) defendant's military operations and training operations were outside scope of First Amendment; (2) injunction against defendants' military activities did not violate Second Amendment; (3) plaintiffs had standing to seek enforcement of Texas statute prohibiting, inter alia, private armies; (4) state of Texas was entitled to intervene to enforce state statute; and (5) defendants' conduct violated the state statute and injunction was appropriate.

Permanent injunction issued.

Attorneys and Law Firms

***201** Morris Dees, Montgomery, Ala., David Berg, Houston, Tex., for plaintiffs.

Sam Adamo, Richard Cobb, Houston, Tex., for defendants.

MEMORANDUM OPINION AND ORDER

McDONALD, District Judge.

I.

Introduction

On April 16, 1981, an organization of Vietnamese fishermen and individual Vietnamese fishermen sued the Knights of the Ku Klux Klan, Louis Beam, individually and as Grand Dragon of the Knights of the Ku Klux Klan for the State of Texas, James Stanfield, the American Fishermen's Coalition, Eugene K. Fisher, Joseph Collins, David Collins, and certain unknown members of the Ku Klux Klan or of the American Fishermen's Coalition for injunctive relief from violations of various rights protected ***202** by federal and state statutes and the United States Constitution. Specifically, plaintiffs alleged that the defendants violated their rights under [42 U.S.C. ss 1981, 1985\(3\) and 1986](#); the Thirteenth and Fourteenth Amendments to the United States Constitution; the Sherman Act, [15 U.S.C. ss 1, 2, Clayton Act, 15 U.S.C. ss 15 and 26](#); the [Racketeer Influenced and Corrupt Organizations Act \(Rico\)](#), [18 U.S.C. ss 1962 and 1964](#); and the common law torts of assault, trespass to personal property, the intentional infliction of emotional distress, and intentional interference with contractual relations and with prospective economic advantage. In its Second Amended Complaint plaintiffs charged defendants Louis Beam and the Knights of the Ku Klux Klan (hereinafter Ku Klux Klan or Klan) with violating their rights under [Tex.Rev.Civ.Stat. Ann., art. 5780 s 6](#) (Vernon Supp.1982). This suit has been certified as a class action under [Rule 23\(b\)\(2\) of the Federal Rules of Civil Procedure](#); plaintiff class consists of all Vietnamese fishermen in the Galveston Bay, Texas area.

A lengthy hearing on plaintiffs' Motion for a Preliminary Injunction was held on May 11-14, 1981. On May 14, 1981 the Court entered an Order granting in part and denying in part plaintiffs' Motion. The Court granted a preliminary injunction with respect to the claims under [42 U.S.C. s 1981](#); [42 U.S.C. ss 1985\(3\) and 1986](#); [15 U.S.C. s 1](#); and the Texas common law tort of interference with contractual relationships. The plaintiffs' other claims were denied at that time and deferred until the full trial on the merits. On June 8, 1981 the State of Texas was allowed to intervene in the action by Order of the Court. On July 15, 1981, the Court entered its Memorandum Opinion and Order, [Vietnamese Fishermen's Association v. Knights Of The Ku Klux Klan, 518 F.Supp. 993 \(S.D.Tex.1981\)](#), in further support of its May Order. On August 13, 1981, the Court entered an Order approving the Agreement of the Parties as to a Proposed Order filed August 7, 1981 to: dismiss James Stanfield, Joseph Collins and David Collins as party defendants; convert the