

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES RHEM, ROBERT FREELY, LEO ROBINSON, and EUGENE NIXON, individually and on behalf of all other persons similarly situated,

Plaintiffs,

-against-

GEORGE F. McGRATH, Commissioner of Correction for the City of New York; ARTHUR SINGERMAN, Warden, Manhattan House of Detention for Men; JOHN V. LINDSAY, Mayor, City of New York; PAUL MCGINNIS, Commissioner of Correction of the State of New York; and NELSON A. ROCKEFELLER, Governor, State of New York; HAROLD A. STEVENS, Presiding Justice, New York State Supreme Court, Appellate Division, First Department, individually and in their official capacities,

Defendants.

U.S. DISTRICT COURT  
FILED  
JUL 21 1971  
S.D. OF N.Y.

70 Civ. 3962

MICROFILM  
JUL 22 1971

UPPER ROOMS  
S. DISTRICT - New York

Plaintiffs having moved for a preliminary injunction against further overcrowding of the Manhattan House of Detention for Men (Tombs) and for certain other relief, and defendants having moved to dismiss the action for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted, after reviewing affidavits, papers, and memoranda submitted by the parties, hearing oral argument, plaintiffs appearing by Edward Q. Carr, Jr., Esq., William E. Hellerstein, Esq., Barbara A. Shapiro, and Joel Berger, Esq., of The

Legal Aid Society (Donald H. Zuckerman, Esq., of counsel) and defendants McGrath, Lindsay and Singerman appearing by J. Lee Rankin, Esq., Corporation Counsel (James Nespole, Esq. and Leonard Bernikow, Esq., of counsel), and after filing our decisions dated March 17, 1971 and May 10, 1971, and reviewing and modifying proposals submitted by the parties for Rules governing inmate behavior at the Manhattan House of Detention for Men and considering objections thereto, it is

ORDERED, ADJUDGED and DECREED, as follows:

1. The motion is granted to the extent that

(a) defendants are prohibited from interfering with private consultations between inmates and their counsel in cases in which the Commissioner of Correction or members of his staff are parties; and

(b) defendants are ordered to adopt, publish in English and Spanish languages, and make available to inmates a set of Rules governing inmate behavior, lock-out times and procedures, use of commissary, chapel, medical service and other aspects of inmate life, which Rules are to be posted in locations to be approved by this Court, and the motion for injunctive relief is in all other respects denied;

(2) Defendants' motion to dismiss is denied;

(3) The drawings for construction of attorney-client consultation rooms at the Manhattan House of Detention for Men, as modified, are approved; and

(4) The Rules governing inmate behavior at the Manhattan House of Detention for Men shall be those Rules attached hereto, which are hereby approved.

  
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U.S.C.J.

Dated: July 20, 1971.