



PC-AL-020-006

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
(NORTHERN DIVISION)

CALIPH WASHINGTON, et al.

**FILED**

JUN 9 - 1966

vs.

R. C. DOBSON, CLERK

By [Signature]  
Deputy Clerk

FRANK LEE, et al.

CIVIL ACTION

NO. 2350-N

INTERROGATORIES TO ROBERT K. AUSTIN,  
WARDEN OF THE CITY JAIL OF BIRMINGHAM, ALABAMA

You are hereby notified to answer under oath the interrogatories below within fifteen (15) days of the time of service made upon you in accordance with Rule 33 of the Federal Rules of Civil Procedure. If any part of the following interrogatories cannot be answered in full, please answer to the extent possible. If you are unable to answer any of the interrogatories, or a part or parts thereof, please specify the reason for your inability to answer and state what other information or knowledge you have concerning the unanswered portion.

- (1). By whom are you employed?
- (2). Who is your immediate superior?
- (3). What correction or detention institutions are within your jurisdiction or authority and where are they located?
- (4). Please furnish a list of all persons employed by you as Warden of the City Jail of Birmingham, and all those employees who are responsible to you in the normal exercise of their duties.

(5). Which of the above employees according to class of employment, that is (a) jailers, (b) wardens, (c) custodians, (d) stewards, (e) cooks, (f) clerical and office employees, and (g) all classes of employees, are Negro and which are white?

(6). Explain the general procedures and practices of the City Jail of the City of Birmingham: (a) the contacting, screening and hiring of employees, (b) considerations and practices involved in assigning employees to types or classes of employment, and (c) practices and procedures involved in termination of employment.

(7). Title 45, Section 122, Code of Alabama (Recompiled 1958) provides in part that "it shall be unlawful for any sheriff, or jailer, or other keeper of the jail or the town or city prison to confine in the same room or apartment of any jail or prison white and Negro prisoner;" (a) Are you familiar with the above provision of Alabama law? (b) Has this provision of Alabama law been, and is it presently being enforced by you or by those under your supervision?

(8). Title 45, Section 123, ibid. provides in part: "any jailer or sheriff having the charge of white and colored prisoners before conviction, who imprisons them permanently together in the same apartment of any jail, or other place of safe keeping, if there is a sufficient number of apartments to keep them separate, must, on conviction, be fined not less than \$50.00 nor more than \$100.00." (a) Are you familiar with the above provisions of Alabama law? (b) Has this provision of Alabama law been and is it presently being enforced by you or by those

under your supervision? (c) Have you ever been arrested or convicted for violation of the above statute or any other statute requiring the racial segregation of prisoners?

(9). Are the correction and detention institutions under your management and control segregated on the basis of the race of prisoners?

(10). What facilities within the correction institutions under your jurisdiction are used in common by white and Negro prisoners and which are used on the basis of a racial classification?

(11). Does the City Jail of the City of Birmingham segregate prisoners on the basis of their race?

(12). Section 121, Title 45, ibid. provides in part: "White and colored prisoners, before conviction, must also be kept separate and apart, if there be a sufficient number of apartments for that purpose." Does your office and/or do you comply with the above provision of Alabama law? If yes, in what way?

(13). Title 45, Section 183, ibid. provides in part: "Each county jail, or town or city prison, must be of sufficient size and strength to contain and keep securely the prisoners confined therein; and must contain at least four separate apartments, one for white men, and one for white women, one for Negro men, and one for Negro women.... including separate bath facilities for whites and Negroes." Is the above provision of Alabama law being enforced by you in those correction and detention institutions which are subject to your management and control?

(14). Title 45, Section 172, ibid. provides in part:

"The court of county commissioners, the board of revenue, or city council, shall provide adequate janitor service for, and shall enforce cleanliness in their respective jails; shall provide bathing facilities separate for Negroes and whites,". Is the above provision of Alabama law being enforced by you in those correction and detention institutions which are subject to your management and control?

(15). Title 45, Section 177, ibid. provides in part: "The sheriff of each county in this state, and the chief of police or town marshal, shall mail to the department, not later than the tenth of each month, a full and complete statement for the previous month of the number of prisoners in jail, or in the town or city prison, designating them by races and sex,." (a). Is the above provision of Alabama law being complied with by the chief of police of the City of Birmingham? (b). Do you provide the chief of police of the City of Birmingham with information upon which such a report could be based? (c). If your answer to (b) herein is in the affirmative please attach a copy of each document providing such information (the date of which next precedes the date of service upon you of these interrogatories) to your answers to these interrogatories.

(16). (a) Do you, or have you, as Warden of the City Jail of the City of Birmingham received into your custody persons under any criminal charge or offense against the United States, according to the provisions of Title 45, Section 136, ibid.? (b) In connection

with any contract or agreement between the United States, or its lawful representative, and the City Jail of the City of Birmingham for the applicable jail fees, charges for feeding, and compensation for the use of the jail and the above prisoners, if any, has the City Jail of the City of Birmingham executed any statement setting out its compliance with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such compliance statement, if any. (d) What is the total per day charge, including all fees for maintenance, to the United States for the keeping of prisoners pursuant to Title 45, Section 136, ibid? (e) Attach a copy of any agreement or contract for the keeping of such prisoners, and if no such written contract or agreement exists, then state the terms and conditions of such verbal agreement, if any.

(17) (a) Does the City Jail of the City of Birmingham have, or has it ever had, a contract with the United States, or any agency thereof, for the hiring or employment of prisoners under the jurisdiction or supervision of the City Jail? (b) In connection with such contract or agreement, if any, has the city jail ever executed a compliance statement with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such statement, if any. (d) What is the total per day charge, including maintenance costs and other fees, to the United States, or its agent, for the use of prisoners pursuant to such contract or agreement, if any? (e) What are the terms and conditions of such contract, if any?

Respectfully submitted,

Laughlin McDonald

Laughlin McDonald  
5 Forsyth Street, N.W.  
Atlanta, Georgia