



PC-AL-020-007

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

FILED

CALIPH WASHINGTON, et al.

JUN 9 - 1966

vs.

R. C. DOBSON, CLERK
By JDS
Deputy Clerk

FRANK LEE, et al.

CIVIL ACTION

NO. 2350-N

INTERROGATORIES TO FRANK LEE,
COMMISSIONER OF CORRECTIONS OF 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). Please state your full name.
- (2). What is your occupation?
- (3). Are you employed by the State of Alabama?
- (4). Which of the state, county, and/or municipal correction and detention facilities in the State of Alabama are under the jurisdiction or supervision of your office, and which of the above do you or your office serve in an advisory, consulting or other related capacity?
- (5). State in general detail the nature and extent of your duties as Commissioner of Corrections of Alabama.

(6). Is the attached list of persons taken from the Alabama Official and Statistical Register of 1963, an accurate, complete, and up to date list of all persons employed by the Alabama Board of Corrections, and all persons employed at those correction and detention facilities under your jurisdiction and supervision?

(7). If the answer to number six is in the negative, please delete and/or add such names of persons as is appropriate so as to make the list thereof accurate, complete and up to date.

(8). Which of the above persons employed by the State of Alabama are white and which are Negro?

(9). What percent, if any, and according to category, of the (a) wardens, (b) guards, (c) office and clerical employees, (d) laborers, (e) stewards, (f) all other classifications of employees, are Negro?

(10). What percent of the Alabama Board of Corrections is Negro?

(11). Describe the practices and procedures of the Alabama Board of Corrections in the contracting, screening, and hiring of employees, and the method by which persons are assigned to specific classes of employment.

(12). Title 45, Section 52, Code of Alabama (Re-compiled 1958), reads in part: "It shall be unlawful for whites and colored convicts to be chained together or to be allowed to sleep together.... Whenever in the judgment of the Governor and the director, it is practicable to do so arrangements shall be made for keeping white and colored convicts at separate prisons and they shall

not be allowed to be kept at the same place." Is the above set out provision of Alabama law being enforced by you or by the Board of Corrections? If yes, set out the nature of such enforcement.

(13). Are white and Negro convicts of the same sex allowed to (a) sleep together, (b) eat together, (c) participate in athletic and other recreational activities together, (d) attend religious services together, (e) use in common the general facilities of each correctional institution administered by the Board of Corrections?

(14). Are white and Negro convicts kept at separate prisons, and if yes, in what manner?

(15). What percent of white and Negro prisoners are inmates at which of the various prisons administered by the Board of Corrections?

(16). Title 45, Section 4, ibid., provides in part: "there shall be proper separation of convicts from free persons, whites from blacks, males from females, in such hospital or place of detention." Is this provision of Alabama law being enforced by the Alabama Board of Corrections? What is the exact nature of the "proper separation" of convicts on the basis of race in the hospitals and places of detention set out in Section 4 above?

(17). Title 45, Section 19, ibid., provides in part that "the director must, at least sixty days before the commencement of each session of the legislature, make to the Governor a report of the convict system during the two years ending the 30th day of September preceding said session. The report shall show the number

of convicts, the offense for which they were convicted, the number from each county, the number sentenced for life, and for different periods, the ages, race, and sex;". Is such a report presently being made by you or your office to the Governor, and is the information requested in Section 19 above being supplied, including a classification of prisoners on the basis of race?

(18). Title 45, Section 30, ibid., provides in part that "it is the duty of the department, upon the reception of any convict into the penitentiary, to take his height, name, age, complexion, color of his hair and eyes, fingerprints, photograph, the place of his nativity, the county in which he was convicted, the nature of the crime and ther period of imprisonment;". Is this provision of Alabama law being enforced by, or ^{by} complied with, /the Board of Corrections? Is there made in the permanent records of each convict a classification as to his or her race?

(19). Title 45, Section 52, ibid., provides in part: "It shall be unlawful for white and colored convicts to be chained together or to be allowed to sleep together;." Title 45, Section 121, ibid., provides: "Men and women, except husband and wife, must not be kept in the same room; and white and colored prisoners, before conviction, must also be kept separate and apart, if there be a sufficient number of apartments for that purpose." Section 122, ibid., provides: "It shall be unlawful for a 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 prisoners; and men and women, except husband and wife, must not be kept in the same room or apartment." Section 123, ibid., provides: "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 personally familiar with the above provisions of Alabama State Law? (b) To the best of your knowledge, are the above provisions of Alabama State Law being enforced in the respective counties by the sheriff or jailer thereof in the correction and detention facilities within their respective authority and control? (c) Is it the responsibility of the Board of Corrections to insure the proper administration of the above provisions of Alabama law, and does the Board of Corrections insure the proper compliance therewith by the county sheriffs or jailers? (d) If the answer to any of the above questions is in the affirmative, state fully in what way compliance is had.

(20). (a) Do you, or have you as Commissioner of the Alabama Board of Corrections, received into your custody persons under any criminal charge or offense against the United States? (b) In connection with any contract or agreement between the United States, or its lawful representative, and the Alabama Board of

Corrections, for the applicable jail fees, charges for feeding, and compensation for the use of facilities by the above prisoners, if any, has the Board of Corrections executed a 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 any prisoners held under any criminal charge or offense against the United States? (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.

(21). (a) Does the Alabama Board of Corrections 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 Alabama Board of Correction? (b) In connection with such contract or agreement, if any, has the Alabama Board of Corrections ever executed a compliance statement with Title VI of the Civil Rights Act of 1964? (c) Attach a copy of such statement, if any, and if no such written contract or agreement exists, then state the terms and conditions of such verbal contract or agreement, if any. (d) What is the total per day charge, including maintenance costs and all other fees, to the United States, or its agent, for the use of prisoners pursuant to such contract or agreement, if any? (e) Attach

a copy of such statement, if any, and if no such written contract or agreement exists, then state the terms and conditions of such verbal contract or agreement, if any.

Respectfully submitted,

Laughlin McDonald

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

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Interrogatories on Frank Lee, Commissioner of Corrections of Alabama, by placing a copy of the same, properly stamped and addressed, in the United States Post Office, at Atlanta, Georgia on this the 8th day of June, 1966.

Laughlin McDonald

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