

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

FILED

AUG 13 1975

JANE P. GORDON, CLERK


DEPUTY CLERK

CALIPH WASHINGTON, et. al.,

Plaintiffs

v.

FRANK LEE, et. al.,

Defendants

Civil Action No. 2350-N

Washington v. Lee



PC-AL-020-030

MOTION TO IMPLEMENT DECREE AND FOR ORDER
TO SHOW CAUSE WHY DEFENDANT L. B. SULLIVAN
SHOULD NOT BE HELD IN CONTEMPT OF COURT

Plaintiffs by counsel move the Court to enter the necessary orders and entertain the necessary proceedings to require defendants promptly to desegregate the Medical and Diagnostic Center at Mt. Meigs and the G. K. Fountain Correctional Center at Atmore to issue an order to L. B. Sullivan, Commissioner of the Board of Corrections of Alabama, why he should not be held in contempt, and to show that:

1. By Order of this Court dated December 12, 1966, defendant Frank Lee as Commissioner of the Board of Corrections of the State of Alabama, his successors in office, agents, servants and employees, were required to take the necessary and appropriate steps to desegregate immediately the several honor farms, the educational programs, the youth centers and the hospitals in the Alabama penal system within six months from the date of the decree; and to effect complete desegregation of all other state penal facilities, including the maximum security institutions, within a period of one year from the date of the decree.

2. The Commissioner of the Board of Corrections, his successors in office and agents designated by him, were further required to supervise the racial desegregation of every county and municipal jail or prison in the State of Alabama and report to the Court every three months concerning the steps being taken and the progress being made in the

state penal institutions and in the county and city jails and other penal facilities throughout the State of Alabama. L. B. Sullivan is the present Commissioner of the Board of Corrections and is the person responsible for complying with the Order of this Court of December 12, 1966.

3. Plaintiffs allege that penal facilities in the State of Alabama are presently being operated by defendants on a racially segregated basis in violation of the Order of this Court and the Fourteenth Amendment of the Constitution of the United States, to wit, the Medical and Diagnostic Center at Mt. Meigs and the G. K. Fountain Correctional Center at Atmore.

4. As a result of the unlawful acts of the defendants as aforesaid, plaintiffs and their class have been and are being deprived of their right not to be segregated, classified, designated or otherwise subjected to racial treatment and distinctions in confinement in the Alabama penal system and have been and are being irreparably injured.

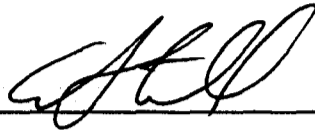
WHEREFORE, plainfitts pray that in order effectively to enforce the Order of this Court of December 12, 1966, that this Court do the following:

(a) Require the defendants, their successors in office, agents, servants and employees, to desegregate forthwith the Medical and Diagnostic Center at Mt. Meigs and the G. K. Fountain Correctional Center at Atmore and to cease segregating, classifying, designating, or otherwise subjecting to racial distinction and treatment in confinement in the Alabama penal system plaintiffs and members of their class.

(b) Issue an order to L. B. Sullivan, Commissioner of Corrections of Alabama, to show cause why he should not be held in contempt of court for violating the Order of this Court of December 12, 1966.

(c) Grant such and further relief to plaintiffs as may be warranted, including their necessary and reasonable attorneys' fees and costs in these proceedings.

Respectfully submitted,



Judith Crittenden
William M. Dawson, Jr.
Edward Still

Attorneys for Plaintiffs
321 Frank Nelson Building
Birmingham, Alabama 35203

Of Counsel:

Laughlin McDonald
Neil Bradley
American Civil Liberties
Union Foundation
52 Fairlie Street
Atlanta, Georgia 30303

Civil Liberties Union of Alabama
P. O. Box 1972
University, Alabama 35486