

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**FILED**

MAR 7 1975

WILLIAM D. RUND, Clerk  
U. S. DISTRICT COURT,  
E. DISTRICT OF MO.

BILLY JOE TYLER, et al., )  
 )  
 Plaintiffs, ) No. 74-40-C (2)  
 )  
 vs. )  
 )  
 RAYMOND T. PERCICH, et al., )  
 )  
 Defendants. )

REPLY MEMORANDUM TO  
UNITED STATES MEMORANDUM

The United States of America, as plaintiff-intervenor, on February 20, 1975, filed a memorandum covering many issues in this case and defendants Tallent and Lark submit the following in answer.

I. Classification:

It appears that the United States of America has injected a new issue in this case concerning classification of inmates. This Court has been supplied with a classification plan for inmates in order to reduce the likelihood that an inmate will be harmed. However, the pleadings in this case, paragraph 42 to 49 allege that white inmates are placed in tiers with a black majority and thereafter they are beaten, robbed, and raped. There is no issue from the pleadings that sustain the United States belated attempt to classify prisoners without regard to race and therefore this issue is not before the Court from the pleading.

II. Visitation:

The issue of visitation has been decided in this District in Goldsby v. Carnes, 365 F.Supp. 395 (W.D. Mo. 1973) regarding the Jackson County Jail. In that case the Court held that visiting hours on one day a week, with efforts being made to increase the visiting hours to two days per week. Also in

that case the duration of the visits ranged from 15 to 30 minutes.

In the instant case, assuming that the United States is correct, the visiting hours are three times a week limited to 20 minutes duration with one contact visit every fifth week. This visiting policy exceeds those held constitutional in the Goldsby case.

Regarding the visitors' list, the Court is directed to the Goldsby case, page 415. The visitors' list is very similar to the instant case.

### III. Discipline:

The United States of America takes issue with restriction of visiting when an inmate abuses visitation and restriction of telephone calls for illegal telephonic communication. Under the United States of America's theory, jail officials cannot enforce rules or regulations even if they abuse visitation rights or the privilege of using the telephone.

The United States of America also alleges that when telephone "privileges" are withdrawn, this materially reduces the ability of the inmate and his attorney to prepare for trial. This argument does not mention the fact that an inmate has almost unlimited attorney's visiting hours and the mails to communicate.

### IV. Exercise and Recreation:

In the Goldsby case, cited above, the Court held at page 402 that two hours of exercise per week, one hour of which is outdoors, weather permitting, meets constitutional standards.

### V. Transfer of Inmates:


The original lawsuit addressed itself to the St. Louis City Jail and the conditions therein. The injection of other issues are far beyond the pleadings and the scope of this case as it now stands.

VI. Chewing Gum:

The insertion of chewing gum into locks can jam the mechanism and it may be impossible to get into a tier when time is of the essence.

Defendants Tallent and Lark submit that because of the injection of new issues in this case and based upon the Goldsby case, cited above, the St. Louis City Jail is in compliance with this Court's order.

Respectfully submitted,

  
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and Lark,  
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Copies of the foregoing Reply Memorandum mailed to Mr. Thomas J. Guilfoil, 818 Olive St., Suite 434, St. Louis, Mo. 63101; Mr. A. Robert Belscher, c/o Sheriff, Civil Courts Building, 10 North 12th St., St. Louis, Mo. 63101; Mr. Stephen A. Whinston, U. S. Dept. of Justice, Washington, D. C. 20530; and Jean Hamilton, Assistant United States Attorney, 1114 Market St., Room 402, St. Louis, Mo. 63101, this 21<sup>st</sup> day of February, 1975.