



JC-KS-001-003

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 WYANDOTTE COUNTY, KANSAS,)
 a body corporate; CORDELL D.)
 MEEKS, Chairman of the Board)
 of Commissioners of Wyandotte)
 County, Kansas; ALBERT J. SACHEN)
 and RICHARD F. WALSH, Members of)
 the Board of Commissioners of)
 Wyandotte County, Kansas; GLENN)
 E. BRUNK, Sheriff of Wyandotte)
 County, Kansas; JESS F. BORING,)
 Undersheriff of Wyandotte County,)
 Kansas; CAPTAIN SALLEE PACHECO,)
 Deputy Sheriff of Wyandotte)
 County, Kansas and Warden of the)
 Wyandotte County Jail of Wyandotte)
 County, Kansas,)
)
 Defendants.)

CIVIL ACTION NO *KG-3163*
COMPLAINT

FILED

JUN 5 - 1970 *12:00 noon*

CHARLES W. CAHILL, Clerk
By *[Signature]* Deputy

The United States of America alleges that:

1. This action is brought by the Attorney General of the United States pursuant to Section 301(a) and (b) of the Civil Rights Act of 1964, 42 U.S.C. §2000b(a) and (b).

2. This Court has jurisdiction of this action under 42 U.S.C. §2000b(a) and 28 U.S.C. §1345.

3. The defendant, Wyandotte County, Kansas, is a public body corporate and maintains and operates the Wyandotte County Jail, located in the Wyandotte County Courthouse in Kansas City, Kansas. The defendant Cordell D. Meeks is a member and chairman of the Wyandotte County Board of Commissioners. The defendants Albert J. Sachen and Richard F. Walsh are members of the Wyandotte County Board of Commissioners. The above named three persons, acting in their official capacities, make up the Wyandotte County Board of Commissioners. The Wyandotte County Board of Commissioners is the governing body of the Wyandotte County Jail and is charged under Kansas law with the duty of maintaining and operating said jail. All of the above named individual defendants are residents of the District of Kansas.

4. The defendant Glenn E. Brunk is the Sheriff of Wyandotte County and as such under Kansas law has the charge and custody of the Wyandotte County Jail and of all prisoners of said jail. The defendant Jess F. Boring is the Undersheriff of Wyandotte County and the

defendant Sallee Pacheco is a Deputy Sheriff of Wyandotte County and Warden of the Wyandotte County Jail. (Sheriff Brunk and through him Undersheriff Boring and Warden Pacheco are charged under Kansas law with the custody of the Wyandotte County Jail and of its prisoners, and under Kansas law these persons, acting in their official capacities, have the responsibility of keeping said jail. All of the above named individual defendants are residents of the District of Kansas.

5. The Wyandotte County Jail is operated by Wyandotte County for the confinement of Wyandotte County prisoners. The jail consists of the fourth floor of the Wyandotte County Courthouse and has a prisoner capacity of 144 inmates with seven cell-blocks or tanks, two cells for mentally deranged persons and a kitchen.

6. The Wyandotte County Jail is a public facility within the meaning of Section 301(a) of the Civil Rights Act of 1964, 42 U.S.C. §2000b(a).

7. The Director of the Federal Bureau of Prisons, an agency of the United States, pursuant to authority vested in him by 18 U.S.C. §4002, validly

executed a written contract effective November 1, 1969, with Wyandotte County, Kansas. This contract is still in force and is to run for a period of three (3) years from November 1, 1969. This contract imposes upon the United States a duty to pay a sum of money to Wyandotte County for certain services to be provided by said county, and imposes upon Wyandotte County a duty to imprison such federal prisoners as are committed to its custody pursuant to 18 U.S.C. §4002. The contract is subject to the provisions of Title 18 of the United States Code and to the rules and regulations governing the care and custody of persons committed thereunder as set forth in certain exhibits attached thereto and made a part thereof. One such rule and regulation governing confinement of prisoners under such contract obligates "the sheriff, jailor or other official responsible for the administration of the institution to keep prisoners in safe custody and to maintain proper discipline and control." Another such rule and regulation under the contract is that "[n]o person confined in a jail or other place of detention shall on the ground of race, color, religion or national origin, be subjected to discrimination in any matter relating to his confinement."

8. Pursuant to the provisions of the contract described in the preceding paragraph, white and Negro prisoners of the United States have been confined in the Wyandotte County Jail, and monies from the United States Treasury have been paid to Wyandotte County for their confinement.

9. The defendants have systematically discriminated against Negroes on account of their race in the operation of the Wyandotte County Jail. The defendants have failed to supervise, classify and separate inmates of the Wyandotte County Jail on the basis of valid and reasonable non-racial standards designed to provide full protection for the safety of the inmates in their custody. The jail has been and continues to be maintained and operated by the defendants as a racially segregated facility. Negro and white prisoners, including but not limited to federal prisoners, are assigned to separate cells and cell-blocks or tanks on the basis of race.

10. The acts and practices described in the preceding paragraph are in violation of Title III of the Civil Rights Act of 1964, 42 U.S.C. §2000b(a), and of the Fourteenth Amendment to the Constitution of the United States.

11. The acts and practices described in Paragraph 9 above also constitute a violation of the contract between defendants and the United States, and the rules and regulations of the Director of the Federal Bureau of Prisons described in Paragraph 7 above.

12. Unless restrained by order of this Court, defendants will continue to follow such policies and engage in such practices to the immediate and irreparable injury of the plaintiff. The plaintiff has no adequate remedy at law.

WHEREFORE, plaintiff prays that the Court enter an order enjoining the defendants, their officers, employees, agents and successors and all those acting in concert or participation with them, from engaging in any act or practice which has the purpose or effect of discriminating against any person in the operation of the Wyandotte County Jail on account of race, color, religion or national origin, and from failing or refusing to take prompt

affirmative steps to disestablish the present system of dual penal facilities based on race, and more particularly from:


1. Assigning prisoners in the jail to cells, cell-blocks, tanks, work assignments or other activities because of race, color, religion or national origin.

2. Failing or refusing forthwith to desegregate all facilities of the jail.

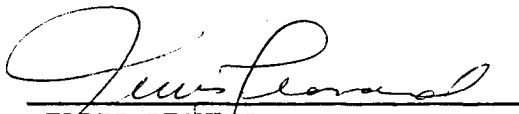
3. Failing or refusing to provide full protection for the inmates in the jail by assigning prisoners to cells on the basis of valid and reasonable non-racial standards.

4. Failing or refusing to take affirmative steps to correct and erase the effects of their past discriminatory practices.

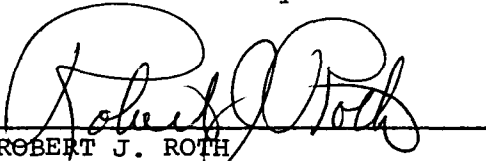
Plaintiff further prays that this Court grant such additional relief as the interests of justice may require, together with the costs and disbursements of this action.




JOHN N. MITCHELL
Attorney General



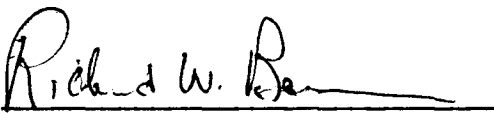
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CERTIFICATE OF THE ATTORNEY GENERAL

I, JOHN N. MITCHELL, Attorney General of the United States, hereby certify that I have received a complaint in writing signed by an individual to the effect that he is being threatened with the loss of his right to equal protection of the laws, on account of his race and color by having been denied equal utilization of the Wyandotte County Jail, Kansas City, Kansas, which is a public facility operated by Wyandotte County, Kansas; that I believe this complaint is meritorious; that the signer of the complaint is, in my judgment, unable to initiate and maintain appropriate legal proceedings for relief; and that, in my judgment, the institution of this action will materially further the orderly achievement of desegregation in public facilities.

This certificate is made pursuant to the provisions of Section 301(a) of the Civil Rights Act of 1964, 42 U.S.C. §2000b and in support of the complaint which is attached.

Signed this 2nd day of June, 1970.



JOHN N. MITCHELL
Attorney General of the
United States