

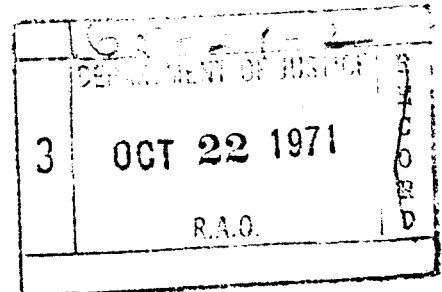


ASSISTANT ATTORNEY GENERAL  
WASHINGTON

This is an interesting suit against the Wyandotte County (Kansas City), Kansas jail. It is racially segregated and we have an old but valid complaint. The Bureau of Prisons also has a contract for federal prisoners which requires nondiscrimination. Both the contract and the public facilities theories are pleaded. Facts of discrimination are solid and current.

We have had several complaints of mistreatment by inmates which are not prosecutable. It is my hope to use the case not only to desegregate but to restructure the disciplinary and correctional system. Bureau of Prisons has no objection to suit and, in fact, can probably help us in forming meaningful relief.

JAMES P. TURNER  
Deputy Assistant Attorney General  
Civil Rights Division



U.S. v. Wyandotte County



JC-KS-001-015

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Department of Justice  
Washington

MEMORANDUM FOR THE ATTORNEY GENERAL

Re: United States v. Wyandotte County,  
Kansas, et al.

I recommend that we file the attached compl against Wyandotte County, Kansas, which alleges ra segregation in the operation of the Wyandotte Cour Jail in violation of Title III of the Civil Rights Act of 1964, 42 U.S.C. 2000b(a). A justification memorandum from the Chief of the Voting and Public Accommodations Section is attached.

The Department requested the FBI to investigate practices at the Wyandotte County Jail on the basis of a complaint from a former inmate of the jail. The investigation revealed that Wyandotte County does maintain and operate its jail on a segregated basis and this fact was freely admitted by county officials. The inmate's letter of complaint was also forwarded to various county officials but nothing was done about it. The county has a contract with the Bureau of Prisons for housing federal prisoners which includes a nondiscrimination clause; it is apparent from the admissions of county officials that they are in breach of their obligations under the contract.

A public jail is a public facility and is prohibited from segregating its prison by race. Accordingly, the county jail is subject to the provisions

of Title III of the Civil Rights Act of 1964. See Washington v. Lee, 263 F. Supp. 327 (M.D. Ala. 1966), affirmed, 390 U.S. 333 (1968). The complainant would have standing to sue under Washington v. Lee, supra, and the Attorney General has derivative standing under Title III of the Act. Moreover, breach of the contract with the Bureau of Prisons gives this Department standing to sue to enforce the nondiscrimination clauses of the contract. United States v. Frazer, 297 F. Supp. 319 (M.D. Ala. 1968).

Finally, there is some evidence that jail officials have failed to provide for the protection of inmates both from the standpoint of classification and assignment and providing necessary surveillance in the facility. While we have not yet fully developed the facts in that respect, inclusion of allegations on that point will allow us to look into and clean up any problems relating to their duty to protect.

Since the violation of federal law is so clear and since the defendants have shown a total disregard for their contractual and normal police obligations, I recommend the prompt filing of the attached complaint.

JERRIS LEONARD  
Assistant Attorney General  
Civil Rights Division

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