



JC-KS-001-021

APR 04 1972

T. 3/2/72

**Director
Federal Bureau of Investigation**

DLN:RWB:mvr

**David L. Norman
Assistant Attorney General
Civil Rights Division**

DJ 168-29-2

**United States v. Wyandotte
County, Kansas, et al.
Public Facilities (Jail)
CIVIL RIGHTS ACT OF 1964**

On January 6, 1972, this Department received a letter from Howard M. Birrell, an inmate of the Federal Penitentiary in Leavenworth, Kansas (No. 87075-132) regarding the Wyandotte County, Kansas Jail, where Birrell was incarcerated on October 29, 1971 and where he was interviewed by Departmental attorney Robert H. Johnson regarding a pending suit by the United States to correct certain conditions at the Wyandotte County Jail. A copy of Birrell's letter is attached.

Johnson's interview with Birrell was designed to ascertain whether the conditions of incarceration of inmates at the subject jail included adequate supervision to ensure inmate safety. Birrell indicated that jail conditions were adequate, and in October 1971 both he and another inmate, Paul Myers, wrote this Department letters praising the administration of the jail and most particularly the warden for his concern for the welfare of inmates. Copies of these letters are also attached. Birrell's later letter casts doubt on the basic conclusions of these earlier letters and indicates possible criminal interference with possible federal witnesses.

cc: Records ✓
Chrono
Queen
~~Bourne~~ JOHNSON
USA, Wichita, Kansas

Handwritten notes:
3/2/72
DUB
3/8/72
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Please conduct the following limited investigation:

1. Please interview Birrell and Paul Myers to determine details of Birrell's allegations in the January 1, 1972 letter, including

(a) Details as to the claim that they were State's witnesses in a drug case in the jail and required protective custody;

(b) What witnesses overheard statements made by Pacheco to either Birrell or Myers requiring that they "cover up" for him, what precisely these statements were, the circumstances which led up to these statements, and the time and place in the jail these statements were made;

(c) What guard told Birrell that Gary Powell and Melvin Grimes were placed in the Boys' tank to "prove a point" and what witnesses overheard this statement;

(d) Details as to beatings, sexual assaults and other violations Birrell or Myers have witnessed in the Wyandotte County Jail;

(e) Details as to Pacheco's alleged threat to place black inmates into a cell with a boxer in order to compel them to supply information to detectives.

2. Of the witnesses identified pursuant to paragraph 1(b, c, e), please obtain responsive interviews from a representative sample, not less than five, to ascertain their versions of the incidents alleged.

3. Please obtain copies of commitment cards for Birrell and Myers, reports indicating their involvement in the alleged drug case, and casualty and officers' reports relating to Birrell, Myers, Powell and Grimes.

It is not necessary to interview Warden Pacheco at this time. Also, if any witnesses to be interviewed are still incarcerated in the Wyandotte County Jail, please conduct their interviews in such a manner that the subject does not know the purpose of their interview.