

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

FILED

AUG 22 1969

MILLER C. FOSTER, JR., CLERK

UNITED STATES OF AMERICA,

Plaintiff

v.

JOHN T. ASHLEY, Anderson County
Supervisor and Chairman of the
Anderson County Board of Com-
missioners; JAMES H. WILLIAMS,
Sheriff of Anderson County;
J. ED CRENSHAW, ADGER C. DAVIS,
FRED FIELDS, W. B. GRAY AND O. O.
HARPER, Members of the Anderson
County Board of Commissioners,
ANDERSON COUNTY, SOUTH CAROLINA,
a public body corporate,
Defendants.

CIVIL ACTION NO. 69-739

COMPLAINT

The United States of America alleges that:

1. This action is brought by the Attorney General on behalf 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, Anderson County, South Carolina, is a public body corporate and maintains and operates the Anderson County Jail (hereinafter the Jail) located on Home Road, Anderson, South Carolina, and the Anderson County Prison Farm (hereinafter the Prison Farm) also located on Home Road, Anderson, South Carolina. James H. Williams, is the Sheriff of Anderson County and is responsible for the operation of the Jail. John T. Ashley is the Anderson County Supervisor and Chairman of the Anderson

US v. Ashley



JC-SC-001-002

County Board of Commissioners and has general supervisory charge over the maintenance and operation of the Jail and the Prison Farm. J. Ed Crenshaw, Adger C. Davis, Fred Fields, W. B. Gray and O. O. Harper are the members of the County Board of Commissioners for Anderson County. The Anderson County Board is the governing body of Anderson County and charged under South Carolina law with the responsibility for operating the Anderson County penal system, including the jail and the prison farm. All individual defendants are residents of the District of South Carolina.

4. The Jail and the Prison Farm are operated by Anderson County for the confinement of Anderson County prisoners. The Jail consists of a structure built in 1967 having a prisoner capacity of 98 with six cell blocks, two cells for mentally deranged prisoners, two "drunk tanks" and two solitary cells. The Prison Farm consists of two prison stockades as well as several out-buildings.

5. The Jail and Prison Farm are public facilities within the meaning of Section 301(a) of the Civil Rights Act of 1964, 42 U.S.C. 2000b(a).

6. The defendants systematically discriminate against Negroes on account of their race in the operation of the Jail and Prison Farm. The Jail and the Prison Farm have been and continue to be maintained and operated by the defendants as racially segregated facilities. Negro and white prisoners at the Jail are assigned to separate cells on the basis of race. Negro prisoners at the Prison Farm are housed in a white frame stockade while white prisoners are housed in a brick stockade and this separation is solely on the basis of race. All prisoner road crews

work on a racially segregated basis, and all guards and other persons with supervisory responsibilities are white.

7. The acts and practices of the defendants described in paragraph 6 of this Complaint are in violation of Title III of the Civil Rights Act of 1964, 42 U.S.C. 2000b(a) and of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

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 any of them, from engaging in any act or practice which has the purpose or effect of discriminating against any person in the operation of the Jail and Prison Farm 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,

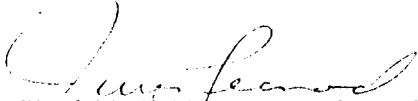
1. Assigning prisoners in the Jail and Prison Farm to cells, stockades, work assignments, or other activities because of race, color, religion, or national origin;


2. Failing or refusing forthwith to desegregate all the facilities of the Jail and Prison Farm;

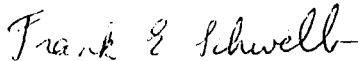
3. Failing or refusing to take affirmative steps to correct the effects of their past discriminatory practices.

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


JOHN N. MITCHELL
Attorney General


JERRIS LEONARD
Assistant Attorney General


JOSEPH O. ROGERS, JR.
United States Attorney



FRANK E. SCHWELB
Attorney
Department of Justice

CERTIFICATE OF THE ATTORNEY GENERAL

I, JOHN MITCHELL, Attorney General of the United States, hereby certify that I have received complaints in writing signed by an individual to the effect that he is being threatened with the loss of his right to the equal protection of the laws, on account of his race and color by being denied equal utilization of the Anderson County Jail and the Anderson County Prison Farm, Anderson, South Carolina, which are public facilities, operated and maintained by Anderson County, South Carolina; that I believe the complaints to be meritorious; that the signer of the complaints, in my judgment, is 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 18th day of August, 1969.



JOHN MITCHELL
Attorney General of
the United States