

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

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FILED

FEB 26 1970 *Miller*

MILLER C. FOSTER, JR., CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)

v.)

CIVIL ACTION NO. 69-739

ORDER

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.)

US v. Ashley



JC-SC-001-005

1. The plaintiff, the United States of America, filed its complaint herein on August 22, 1969.

2. The defendant James H. Williams filed his answer herein on September 4, 1969. The defendant John T. Ashley and the defendant members of the Anderson County Board of Commissioners joined in filing a separate answer herein on September 4, 1969.

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3. In his answer, the defendant James H. Williams admits that Anderson County, South Carolina is a public body corporate; that said Anderson County maintains and operates the Anderson County Jail (hereinafter the Jail); that said defendant is the Sheriff of Anderson County and is responsible for the operation of the Jail; and that the practice of racial segregation has been maintained in the operation of the Jail. The defendant alleges that the Jail is now fully integrated except for the drunk tank.

4. In their answer, the defendant John T. Ashley and the defendant members of the Anderson County Board of Commissioners admit that Anderson County, South Carolina is a public body corporate; that said Anderson County maintains and operates the Anderson County Prison Farm (hereinafter the Prison Farm); that the defendant John T. Ashley is the Anderson County Supervisor and Chairman of the Anderson County Board of Commissioners; that the defendants J. Ed Crenshaw, Adger C. Davis, Fred Fields, W. B. Gray and O. O. Harper are members of the Anderson County Board of Commissioners; that the

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#2.

said Board of Commissioners is responsible for operating the Prison Farm; and that the practice of racial segregation is currently maintained in the operation of the Prison Farm.

5. The Jail and the Prison Farm are public facilities which are owned, operated or managed by or on behalf of a state or subdivision thereof within the meaning of 42 U.S.C. 2000b(a).

6. Racial segregation has been practiced in the operation of the Jail and is currently practiced in the operation of the Prison Farm in violation of 42 U.S.C. 2000b(a) and of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Now, THEREFORE, without trial upon the merits, it is hereby ORDERED, ADJUDGED AND DECREED, that the defendants, together with their officers, employees, agents, and successors and all persons acting in concert and participation with any of them, are hereby enjoined from:

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a. Assigning prisoners in the Jail and Prison Farm to cells, stockades, work assignments, other activities, or any other place of incarceration on the basis of race, color, religion or national origin;

b. Failing or refusing to accomplish complete desegregation of all the facilities of the Jail and Prison Farm;

c. Failing or refusing to take positive steps forthwith to insure Negro representation amongst the guards and other supervisory personnel at the Prison Farm, and failing or refusing thereafter, in the normal process of selecting, employing or otherwise gaining the services of guards and other supervisory personnel, to proceed in a manner designed to accomplish and maintain racial integration of such personnel;

d. 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.

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IT IS FURTHER ORDERED that the terms of this order shall not apply to the drunk tank located in the Jail; that within 90 days of the entry of this order the defendants shall have fully complied with Paragraphs a and b of this order, and shall have submitted to this Court and served upon the plaintiff, a report stating the manner in which such compliance was effected and the result thereof, including a diagram of the then current prisoner assignments, by race; and that within 135 days of the entry of this order the defendants shall have fully complied with Paragraph c of this order, and shall have submitted to this Court and served upon the plaintiff, a report stating the manner in which such compliance was effected and the result thereof, including a roster of all guards and other personnel, designating their job, pay, length of tenure at the Prison Farm, and race.

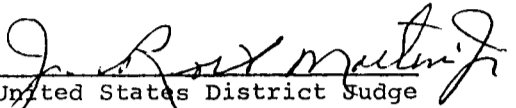
IT IS FURTHER ORDERED that no costs shall be assessed against any of the parties hereto in connection with any matter or event predating the entry of this order.

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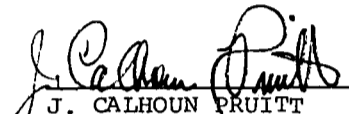
This Court retains jurisdiction of this cause for the purpose of reviewing compliance with this order and issuing any additional orders as may be necessary or appropriate to the enforcement of this decree.

ORDERED this 25 day of Feb. 1970.

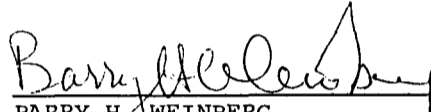
6.


United States District Judge

The undersigned agree to the entry of this order.


J. CALHOUN PRUITT
Attorney for the
Defendant


JOSEPH C. ROGERS
United States Attorney


BARRY H. WEINBERG
Attorney
Department of Justice