

SEP - 7 1975

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

JERRY LEE PUGH, et al,	*
Plaintiffs,	*
vs	*
L. B. SULLIVAN,	*
individually and in his	*
official capacity as Commissioner	*
of the Alabama Board of Correction, et al,	*
Defendants	*CONSOLIDATED
WORLEY JAMES, et al,	*CIVIL ACTION #74-57-N
Plaintiffs	*CIVIL ACTION#74-203-N
vs	*
GEORGE C. WALLACE,	*
individually and in his official	*
capacity as Governor of Alabama, et al	*
Defendants	*
WILCOX COUNTY COMMISSION,	*
as the governing body of the	*
County of Wilcox, State ofAlabama,	*
and all other Counties similarly	*
situated and ASSOCIATION OF COUNTY	*
COMMISSIONS OF ALABAMA, a voluntary	*
Association,	*
Intervenors,	*
vs	*
MELBA TILL ALLEN,	*
individually and as State Treasurer,	*
State of Alabama, FRED E. ZEIGLER,	*
individually and as State Comptroller,	*
State of Alabama, JAMES R. SOLOMON,	*
individually and as Director of Finance,	*
State of Alabama,	*
Third Party Defendants.	*

COMPLAINT OF INTERVENTION AND
THIRD PARTY COMPLAINT

1. The Wilcox County Commission is a body corporate, with the power to sue and be sued. It is the lawfully constituted governing body of the County of Wilcox, State of Alabama. The Association of County Commissions is a voluntary unincorporated Association, composed of all County Commissions and lawfully constituted

governing bodies of the several Counties of the State of Alabama. This Complaint is filed for Intervention under Provisions of Rule 24, Federal Rules of Civil Procedure, in that applicants claim an interest relating to the transaction, which is the subject of the Action, and are so situated that the disposition of the Action may as a practical matter impair or impede their ability to protect that interest. The Action is maintained on behalf of all County Commissions and lawfully constituted governing bodies of the several Counties of the State of Alabama under Provisions of Rule 23.2, Federal Rules of Civil Procedure in that Intervenors are representative parties and will fairly and adequately protect the interests of the Association and its members, all Commissions and lawfully constituted governing bodies of the several Counties of the State of Alabama.

Jurisdiction is concurrent with that of the original Complaint to this cause.

2. Melba Till Allen is a citizen of the State of Alabama, over the age of twenty-one years, and is the lawfully constituted Treasurer of the State of Alabama. Fred E. Zeigler is a citizen of the State of Alabama, over the age of twenty-one years, and the lawfully constituted Comptroller of the State of Alabama. James R. Solomon is a citizen of the State of Alabama, over the age of twenty-one years and the lawfully constituted Director of Finance of the State of Alabama. Joinder of such parties is required under Rule 19, Federal Rules of Civil Procedure in that in their absence, complete relief can not be accorded among those parties to the Action, nor can complete relief be accorded Intervenors. In their individually and official capacities, Third Party Defendants control the State finances, funds, monies and Treasury of the State of Alabama, which relates to the subject of this Action. They are so situated that

a disposition of the Action in their absence may as a practical matter impair or impede their ability to protect that interest and leave the persons already parties, as well as Intervenor, subject to a substantial risk of incurring double, multiple or otherwise inconsistent obligations by reason of their claim to interest. In the alternative Intervenor name Third Party Defendants for permissive joinder under Provisions of Rule 20, Federal Rules of Civil Procedure.

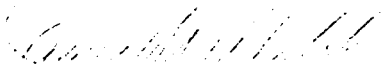
3. This Court, in conjunction with the United States District Court, Southern District, issued an Order in this cause on August 29, 1975 enjoining named Defendants, individually and in their official capacities, from accepting any new prisoners into the Alabama Correction System until the population of each prison in the system is no greater than its stipulated designed capacity. Said Order is the direct result of a finding of serious overcrowding in these facilities and the serious lack of custodial officers and inability on the part of the prison officials to control violence within the prisons.
4. All County Commissions and lawfully constituted governing bodies of the several Counties of the State of Alabama are themselves, at the present time, named as parties in an Action presently pending in this Court entitled Ronald Paul Adams, et al, Plaintiffs, United States of America, Plaintiff Intervenor vs Nathan Mathis et al, Defendants, Civil Action No. 74-70-S. The Order of this Honorable Court entered on August 29, 1975, further compounds the serious problems and abilities of the several County governing bodies to grant adequate protection to the growing prison population of the State of Alabama and the County prisoners already incarcerated in the County jails.
5. The County governing bodies of the State of Alabama lack general taxing authority and ability to raise sufficient

revenue to care for the needs of the Plaintiff class, which have been as a result of said Order of this Court incarcerated in the several County jails of the State of Alabama.

6. That Plaintiffs and others similarly situated in their class as prisoners, lawfully sentenced to terms in the prison system in the State of Alabama are lawful charges of the State of Alabama and their support, maintenance, housing, guarding, clothing, medical care and protection are lawful charges against State funds and funds in the State Treasury which is under exclusive control of Defendants and Third Party Defendants in their individual and official capacities as State Officers.
7. That Intervenors and all other similarly situated as lawful governing bodies of the several Counties of the State of Alabama possess insufficient funds to adequately safeguard, support, maintain, house, guard, clothe, provide medical care and protection for members of Plaintiff class as State prisoners.

WHEREFORE, Intervenors request that this Honorable Court issue an Order compelling Defendants and Third Party Defendants to pay as a first charge against all funds in the State Treasury or under their control belonging to the State of Alabama, expenses incurred by the County Commissions as lawful governing bodies of the several Counties of the State of Alabama for support, maintenance, housing, guarding, clothing, medical care and protection of all members of Plaintiff class as State prisoners in their charge and in custody of the County jails. Intervenors further request reasonable Attorneys fees be taxed against Defendants, Third Party Defendants and the State of Alabama for the cost of this Action. Intervenors further pray for any and other further and different relief considered necessary and appropriate by this Court.

Respectfully Submitted

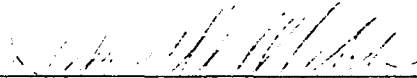


Attorney for Intervenor

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served on All Counsel of Record by placing a copy of the same in the United States mail, postage prepaid this the _____ day of _____ 1975.



Counsel

Pugh v. Sullivan



PC-AL-010-001