

JUN 15 1979



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CLERK, U. S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]*

CLERK U.S. DISTRICT COURT  
CENTRAL DIST. OF CALIF.

APR 18 1979

CLERK, U. S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
BY *[Signature]*

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

TERRY BEAR RIBS, ALAN J. )  
MORSETTE and DANIEL KING, )  
Individually, and on behalf of )  
all persons similarly situated, )  
Plaintiffs, )  
v. )  
LARRY F. TAYLOR, as Warden of )  
the Federal Correctional Insti- )  
tution at Lompoc; and NORMAN )  
A. CARLSON, as Director of the )  
Federal Bureau of Prisons; and )  
the UNITED STATES OF AMERICA, )  
Defendants. )

Civil No. 77-3985-RJK(G)

CONSENT JUDGMENT AND DECREE

This is a class action suit filed by Indian prisoners of the Federal Correctional Institution at Lompoc, California, on October 25, 1977, against the Warden and Director of the Federal Bureau of Prisons for injunctive and other relief. Plaintiffs seek access to an Indian sweat lodge at the prison for religious purposes and claim that defendants' action in refusing the sweat lodge violates rights secured to them by the First and Fifth Amendments to

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1 the United States Constitution. Defendants have denied such  
2 allegations.

3 The parties, after extensive discovery <sup>1/</sup> and a thorough  
4 development of the factual and legal issues of the case, have agreed  
5 to entry of the within judgment. Defendants, in so agreeing, do not  
6 admit or concede they have acted unconstitutionally.

7 The Court having examined the parties' Stipulation for  
8 (1) Entry of Consent Judgment and Decree and for (2) Entry of Order  
9 re Notice to Class and the within judgement and decree, and notice  
10 having been given to class members in the manner ordered by the  
11 Court, and the Court being of the opinion that this judgment and  
12 decree fairly and adequately represents and protects the interests  
13 of the plaintiff class,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the  
15 defendants and their successors in office shall permit plaintiffs  
16 access to a sweat lodge as follows:

17 1. Defendants will permit the construction of a sweat  
18 lodge at Lompoc FCI in a location designated by the Warden after  
19 consultation with plaintiffs' representatives.

20 2. The sweat lodge shall be available for attendance by  
21 all inmates regardless of race or religious belief on the same  
22 basis it is available to Indian inmates.

23 \_\_\_\_\_  
24 <sup>1/</sup>Discovery conducted by the parties has included deposi-  
25 tions of the named defendants and plaintiffs, state corrections  
26 administrators, and a Sioux Indian medicine man and an anthropologist

1           3. The Warden and his delegees shall have the same  
2 authority to schedule access to the sweat lodge as he has with  
3 respect to any other prison activity or religious observance or  
4 ceremony.

5           4. All special materials necessary for construction of  
6 the sweat lodge will be provided by plaintiffs' or their represen-  
7 tatives.

8           5. The sweat lodge shall at all times be subject to  
9 observation and inspection by security personnel on the same basis  
10 as any other religious observance or ceremony at the institution;  
11 such personnel shall, however, conduct themselves with respect for  
12 the use of the sweat lodge in the same manner they would during  
13 the course of any other religious observance in the institution.

14           6. Defendants may temporarily suspend usage of the sweat  
15 lodge at any time that it presents a threat to prison security; in  
16 making this determination, defendants shall apply the same criteria  
17 they would with respect to other religious observances at the  
18 institution.

19           7. None of the parties to this litigation shall apply to  
20 the Court for modification or vacation of this judgment or for any  
21 other order in relation to enforcement of the judgment until after  
22 notice and consultation as hereinafter provided:

23           (a) The party wishing to apply for relief or his  
24 authorized representative shall, at least 30  
25 days prior to the application, give written  
26 notice to other affected parties or their

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representatives of the relief for which he intends to apply, specifying the nature of the event, occurrence, or circumstance upon which such application will be based.

(b) The recipient of said notice shall reply in writing to the party giving notice within 15 days after receipt, and the parties or their representatives shall then meet to discuss the problem.

8. The Court expressly limits the application of this Order to the Federal Correctional Institution at Lompoc, California. <sup>2/</sup>

9. Each party shall bear his own costs.

DATED: This 16<sup>th</sup> day of April, 1979.

Robert F. Coleman  
UNITED STATES DISTRICT JUDGE

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<sup>2/</sup>The Court and the parties acknowledge that while the unique facts and circumstances of this case justify this particular religious activity at the Lompoc federal prison, the same may not necessarily be true for other federal prisons. Differences between various religious practices and various federal prisons require that any future requests for similar religious activities be examined individually.

1 APPROVED AS TO FORM AND CONTENT:

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Assistant United States Attorney

Attorneys for Plaintiffs

I hereby attest and certify on JUN 13 1979  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my  
legal custody.

CLERK, U.S. DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
By [Signature] Deputy

