



PC-LA-001-002

306

✓
-pb

Case.—*Rone and the United States v. Fireman*, C.A. No. 75-35A (N.D. Ohio filed December 23, 1975).

City.—Cleveland, Ohio.

Date private suit filed.—December 12, 1975.

Date U.S. entered.—May 25, 1976, plaintiff-intervenor.

Issues.—Constitutional right to receive appropriate treatment for the 850 mentally ill residents of Hawthornden State Hospital who have been involuntarily committed for the purpose of treatment to improve their mental condition.

Status.—Pretrial discovery proceedings.

Case.—*Evans and United States v. Washington*, C.A. No. 76-0293 (D. D.C.).

City.—District of Columbia.

Date private suit filed.—February 23, 1976.

Date of U.S. entry.—July 30, 1976 as litigating *amicus curiae*—changed to plaintiff-intervenor on March 30, 1977.

Issues.—Constitutional right to treatment and alleged abuse of mentally retarded residents of Forest Haven, D.C. Children's Center; and failure of defendant District of Columbia officials to provide constitutionally adequate care and rehabilitative treatment to Forest Haven residents.

Status.—Pretrial discovery proceedings.

Case.—*Meisel v. Krcmens*, C.A. No. 76-0293 (E.D. Pa.), 405 F. Supp. 1253 (1975).

City.—Philadelphia, Pa.

Date private suit filed.—June 24, 1974.

Date of U.S. entry.—November 15, 1976, litigating *amicus* at the request of the Court.

Issues.—The right of furloughed mental patients to due process procedures prior to the termination of furloughs. Court held must have due process protections of notice.

Status.—Case presently under submission to court to determine whether repeal of the unconstitutional statute renders the case moot.

Case.—*Santana and United States v. Rios*, C.A. No. 75-1187 (D. P.R.).

City.—San Juan, Puerto Rico.

Date private suit filed.—October 20, 1975.

Date of U.S. entry.—December 6, 1976, Plaintiff-intervenor.

Issues.—At issue is the constitutionality of the conditions under which juveniles are confined at the Industrial School for Boys at Mayaquez and the Juvenile Camp at Marico, Puerto Rico.

Status.—The case is in pretrial discovery proceedings.

Case.—*Stoner v. Miller*, C.A. No. 74-C-53 (E.D. N.Y.), 377 F. Supp. 177 (1974).

City.—Brooklyn, N.Y.

Date private suit filed.—January 9, 1974.

Date U.S. granted status.—*amicus curiae* May 5, 1974.

Summary.—Order, June 21, 1974, denied the constitutionality of local ordinances which banned or evicted recently deinstitutionalized *mentally ill* persons from city hotels and boarding houses in Long Beach, N.Y.

UNITED STATES DISTRICT COURT—MIDDLE DISTRICT OF LOUISIANA

[Civil Action No. 71-98]

HAYES WILLIAMS, LEE D. STEVENSON, ARTHUR MITCHELL, Jr. and
LAZARUS D. JOSEPH, Jr.

versus

JOHN J. McKEITHEN, Governor of the State of Louisiana; LOUIS M. SOWERS,
Director of the Louisiana Department of Institutions; C. MURRAY HEN-
DERSON, Warden of Louisiana State Penitentiary at Angola, et al.

JUDGMENT AND ORDER

This suit addresses itself to alleged unconstitutional and illegal conditions and practices involved in the operation, maintenance and administration of the

unpublished
June 10,
1975

Louisiana State Penitentiary at Angola, Louisiana. The case was earlier referred by this Court to the United States Magistrate, acting as a Special Master, with instructions to hold hearings, conduct investigations, make Findings of Fact and Conclusions of Law, and thereafter to submit recommendations to the Court. After almost a year and a half of hearings and investigations, the Special Master submitted his Report and Recommendation to the Court on April 28, 1975. This Report was accompanied by transcripts of extensive hearings held by the Special Master. A hearing on objections to the Special Master's Report was held by this Court on May 28, 1975. After careful review of the objections made to the Special Master's Findings of Fact and Conclusions of Law, the Court concludes that the objections made do not require alterations or changes in the Findings of the Special Master. There was no evidence presented by the objectors which would require changes in any of the Findings or Conclusions of the Special Master insofar as they relate to the specific relief required by the uncontested facts contained in the Special Master's Report. Therefore, the Court hereby accepts and adopts the Findings of Fact and Conclusions of Law contained in the "Special Master's Report" of April 28, 1975, a copy of which Findings of Fact and Conclusions of Law is attached hereto and made a part hereof, as Appendix "A".

The primary objection raised by counsel for the defendants was not directed as much at the findings of the obviously deplorable conditions existing at the Louisiana State Penitentiary as it was at the right of the Federal Court to order that something be done about them. This Court is always reluctant and indeed loathe to inject itself into areas involving the administration of State institutions. But where the evidence shows, as it so clearly does in this case, that conditions exist at Louisiana State Penitentiary at Angola, Louisiana which should not only shock the conscience of any right thinking person, but which also flagrantly violate basic constitutional requirements as well as applicable State laws, and where that evidence also shows that the State authorities, who have the power to do so, are either failing or refusing to take the necessary steps to correct those conditions, it is not only the right of the Federal Court but it is incumbent upon it to take whatever steps may be necessary and to issue such orders as may be required and proper to assure that if the State of Louisiana continues to operate that facility, it does so in accordance with the Constitution and laws of the United States of America and in accordance with the Constitution and laws of the State of Louisiana. Therefore, recognizing the duty and obligation of the Federal Courts under the circumstances of this case, and based upon the aforementioned Findings of Fact and Conclusions of Law:

IT IS ORDERED that Edwin Edwards and Elayn Hunt, in their official capacity as Governor of the State of Louisiana and Director of the Louisiana Department of Corrections respectively, be, and they are hereby substituted as parties defendant in place of the named defendants, John J. McKeithen and Louis M. Sowers.

IT IS FURTHER ORDERED that in accordance with the written stipulation of the parties, the individual tort claims of the plaintiffs be, and they are hereby severed from the remaining claims presented herein, and in accordance with the stipulation and consent of all parties, the suit involving the individual tort claims of the plaintiffs shall be tried and decided by the United States Magistrate for the Middle District of Louisiana.

IT IS FURTHER ORDERED that the defendants, Governor Edwin Edwards, Department of Corrections Director Elayn Hunt, and Warden C. Murray Henderson, hereinafter referred to as the "defendants," their successors in office, their agents, servants, employees, representatives, and all persons whomsoever acting in concert with them, be, and they are hereby restrained and enjoined from performing, causing to be performed, or permitting to continue, acts, practices, policies, and/or conditions found by the Special Master to exist in connection with the maintenance, operation, and administration of the Louisiana State Penitentiary at Angola, Louisiana, in violation of the First, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution or in violation of any other laws of the United States of America or of the State of Louisiana, and more specifically, those defendants, their successors in office, their agents,

servants, employees and representatives, and all persons acting in concert with them are hereby *ORDERED AND ENJOINED* as follows:

IT IS ORDERED that the defendants shall provide or cause to be provided the following immediate and intermediate relief at the Louisiana State Penitentiary at Angola, Louisiana.

I. Immediate and intermediate relief

1. *Increase protection of inmates by.*—(a) Bringing correctional officer staff up to a minimum of 950 within six months from date of this order.

(b) Instituting procedures immediately for the shakedown and inspection of all inmates, cellblocks, dormitories, work, educational, recreational and eating areas on at least a daily basis, and more often if deemed necessary, with a view to locating and confiscating any and all weapons, instruments or materials that might be used by inmates to attack, assault or threaten other inmates or civilian personnel at the prison, and insisting upon strict and adequate punishment of all offenders who, after hearing, have been found to have breached penitentiary rules relating thereto.

(c) Providing for and furnishing to each correctional officer adequate communications equipment, such as walkie-talkies, in addition to telephones, located in each dormitory, cellblock, work, recreational, educational and eating area, so that correctional officers may at all times and at all places have an immediate way to communicate with and seek assistance from other correctional officers in the event of a disturbance or other emergency.

(d) Assign at least two (2) correctional officers to each dormitory 24 hours each day, seven days a week, and assign additional correctional officers to those areas where prisoners have access to tools, equipment and supplies which may be used as or made into weapons.

(e) Immediately institute appropriate supervisory training programs for all correctional officers with a view to training such officers to detect and prevent the acquisition, retention and use of weapons by inmates.

(f) Immediately separate, to the extent possible now, all known overt and aggressive homosexuals from the general prison population for such time as the Warden may deem appropriate.

(g) Strictly, and forceably if necessary, prohibit all gambling, fights, and homosexual activities between inmates, and insist upon strict and suitable punishment of offenders who breach penitentiary rules relating thereto. Adequate hearings shall be accorded before punishment is inflicted.

(h) Separate by placing in cells or such other places as the Warden may direct, and for such length of time as the Warden may deem appropriate, those inmates who, after a hearing is held, are deemed to present a threat of assault and violence on other inmates or civilian personnel.

(i) Immediately provide and install such temporary housing, walls and/or fencing as may be necessary to reduce and eliminate as far as possible the overcrowding of inmates in the dormitories and cells, and to separate inmates where necessary, in work, recreational, educational and eating areas.

(j) Promptly report, in writing, to the District Attorney for the Parish of West Feliciana, any and all cases of inmate assaults and other acts of violence committed by inmates, including acts of rape.

(k) Continue the present policy of not assigning or using inmates as guards over other inmates and of not giving any inmate custodial responsibility of other inmates.

2. *Medical care.*—(a) Provide immediately for the upgrading of medical services available to inmates at the Louisiana State Penitentiary and in connection therewith:

(1) Immediately employ and continue to employ such additional medical personnel as is required to make the full time medical staff at the Penitentiary consist of *at least* four (4) physicians; one (1) psychiatrist; two (2) dentists; one (1) psychologist; eleven (11) trained physician assistants; one (1) dental assistant; three (3) nurses certified as RN; one (1) x-ray and physiotherapy technician; one (1) pharmacist; one (1) laboratory technician; and two (2)

medical records technicians. Each professional medical employee shall meet the requirements for licensure in the State of Louisiana. Persons who fill the positions of physicians assistants, which are not subject to licensure in the State of Louisiana, shall be qualified by their education and training to perform the type of medical services which are assigned to physician assistants by the U.S. Bureau of Prisons or shall meet the standards required of licensed practical nurses in the State of Louisiana. All medical treatment furnished to inmates shall be administered by licensed physicians or by the trained personnel here provided for, and no medical treatment shall be administered by untrained inmates. This does not prevent the supervised use of inmate personnel to supplement the civilian medical staff where such is necessary for adequate health care.

(2) Take whatever steps are necessary to ensure that every inmate in need of medical attention, either for diagnostic or treatment purposes, is seen by a qualified medical attendant when required, and by a physician when necessary.

(3) Maintain at all times an adequate supply of drugs and medical supplies. No prescriptions for medication shall be made except on a case by case basis and then only upon authorization of a physician. No prescription shall be filled, prepared or dispensed except under the authority of and under the personal supervision of a qualified pharmacist, and no inmate shall be used or permitted to deliver drugs of any type to any person at the Penitentiary. A complete record of all drugs administered to each inmate shall be kept and a copy thereof placed in the inmate-patient's medical record. No inmate shall have access to another inmate's medical records.

(4) Take all steps necessary to ensure that the Louisiana State Penitentiary complies in every respect with all applicable regulations of the Federal Bureau of Narcotics and Dangerous Drugs.

(5) No inmate shall be harassed, punished or in any way discriminated against because he seeks medical diagnosis or treatment.

(6) Provide, within a reasonable time, to those inmates found to require them, eye glasses, dentures, and other prosthetics prescribed by a physician.

(7) Provide to each inmate such medication or other medical treatment as has been prescribed by, or approved by a staff physician until such time a staff physician prescribes otherwise.

(8) Immediately implement a plan whereby each newly arrived inmate shall be examined by a physician within seven (7) days after arrival at the Penitentiary. Promulgate the necessary regulation to ensure that no inmate is required at any time to sign a document entitled "Consent to Operation and Other Medical Treatment" whereon the surgical procedure and the name of the person to perform the procedure is left blank.

(9) Within sixty (60) days from date hereof, acquire by lease or purchase, or acquire the use on a contract basis, of a sufficient number of adequately equipped ambulances to provide transportation for inmate patients within the prison area and to other institutions when necessary.

(10) Take whatever steps may be necessary to remove, within one hundred and twenty (120) days from date hereof, all persons confined to the psychiatric unit or units at the prison and replace them in a therapeutic environment under the direct care and supervision of a qualified physician. These inmates shall, subject to the doctor's orders, be accorded all rights given other inmates at the prison.

3. *Maintenance, repair, construction and safety.*—(a) Within ten (10) days from the date of this order, the Governor of the State of Louisiana, made a defendant herein, shall direct the Louisiana State Fire Marshal to immediately make a thorough inspection of all buildings and appurtenances at the Louisiana State Penitentiary to ascertain the existence, if any, of any electrical and fire hazards at the prison, together with an inspection to ascertain whether or not there exists at the Penitentiary over-population of inmates in any area or areas which violate the laws, rules, regulations, and standards of the State of Louisiana, the Louisiana State Fire Marshal's Office, or the National Electrical Code. A copy of the Fire Marshal's report shall be filed with this Court within twenty

(20) days from date of this order, with copies to counsel of record herein. The report shall set forth in detail those fire, electrical, and/or overcrowding hazards, or any other hazards found to exist, which constitute an immediate threat to the health, life or safety of the inmates or prison personnel, and shall state specifically what steps must be taken to eliminate the hazard. The same standards of safety shall be applied to the Penitentiary as are required by law to be applied by the Fire Marshal to other public buildings and facilities in Louisiana. The defendants shall, immediately upon receipt of the Fire Marshal's report, and in no event more than twenty (20) days thereafter, take the necessary steps to eliminate completely the hazards found by the Fire Marshal to exist, whether the hazard results from electrical defects, fire hazards, or overcrowded conditions in any particular building or location.

(b) The defendants shall, within sixty (60) days from the date of this order, prepare and implement a plan approved by the Louisiana State Fire Marshal for the evacuation, care and treatment of inmates and prison personnel in the event of a fire, explosion, or natural disaster which might occur at the Penitentiary. A copy of the plan, approved by the Fire Marshal, shall be filed with the Court within said sixty (60) day period.

(c) The defendants shall cause to be strictly enforced all laws and prison regulations prohibiting the damaging or destruction of public property and shall see that adequate punishment is inflicted upon any inmate who, after hearing, is found to be guilty of willfully damaging or destroying any of the buildings, appurtenances thereto, or any other property belonging to or under the control of the Louisiana State Penitentiary.

4. *Food and sanitation.*—(a) Within ten (10) days from the date of this order, the Governor of the State of Louisiana shall direct the Louisiana Department of Health to immediately conduct a comprehensive inspection of all buildings and areas of the Louisiana State Penitentiary to ascertain whether or not there exists any health, safety and sanitation hazards which violate the laws, rules or regulations of the State of Louisiana, the Louisiana Department of Health, or the Louisiana Occupational Safety and Health Act. The Department of Health shall, within twenty (20) days thereafter, file with this Court, with copies to counsel of record herein, a detailed report setting forth with particularity any and all conditions found by it to exist at the Penitentiary which constitute health, safety and/or sanitation hazards which constitute or may constitute a threat to the health, life or safety of inmates or prison personnel. The Department of Health shall apply the same standards to its inspection of the Penitentiary as is required by the laws of the State of Louisiana to be applied to other public buildings and food dispensing facilities in Louisiana. This inspection shall cover buildings, shops, recreational areas, work areas, kitchens, food preparation and serving, food storage areas, dining areas, toilet and bathing facilities, sewage facilities, and all other aspects of the entire penitentiary facility that have or may have effect on the life, health and safety of the inmates and prison personnel. Immediately upon receipt of the report from the Louisiana Department of Health, the defendants shall take whatever steps may be necessary to completely correct any and all hazardous conditions found by the Department of Health to exist. In no event shall the defendants permit such conditions to continue to exist for a period in excess of sixty (60) days following receipt of the report of the Louisiana Department of Health.

5. *Elimination of racial discrimination and segregation.*—(a) The defendants, their employees, agents and representatives, and all persons acting in concert with them, are hereby enjoined from engaging in racial discrimination of any nature, in the operation or administration of the Louisiana State Penitentiary. This prohibition applies to all phases and aspects of the prison operation and includes specifically, but not by way of limitation or exclusion:

(1) Housing, dining, recreational, work shops, yards, and all other prison facilities.

(2) Job and work assignments and promotions or demotions made in connection therewith.

- (3) Classification of inmates.
- (4) All prison organizations.
- (5) Vocational and educational training.
- (6) Hiring, firing, selecting, recruiting, training, promoting prison staff, guards, and other civilian personnel at the prison.

The defendants shall immediately take whatever steps may be necessary to correct, overcome and erase any effects of past racial discrimination, and in the future, to maintain and operate the Louisiana State Penitentiary as a completely integrated facility. Those provisions of La. R.S. 15:725 and La. R.S. 15:854 which require separate housing and sanitary facilities for black and white inmates are hereby declared to be unconstitutional and compliance therewith by the defendants, their employees, agents, representatives or any other persons acting in concert with them is hereby enjoined.

6. *Religious Freedom.*—(a) The defendants, their employees, agents, representatives, and anyone acting in concert with them are hereby enjoined and prohibited from in any manner discriminating against any inmate because of his religion or religious beliefs. No restrictions shall be placed on the free exercise of religious freedom by the inmates unless it is specifically determined by the Warden that the religious practice in question presents a threat to the security, discipline, and good order of the institution.

7. *Censorship of mail.*—(a) The defendants, and any and all persons in privity with them, shall not open or otherwise interfere with any outgoing special correspondence of inmates.

Special correspondence is defined herein as any mail to:

(1) Any attorney licensed to practice law in any state or in the District of Columbia;

(2) All state and federal courts;

(3) The President and Vice President of the United States; all Senators and Representatives of the United States Congress; the United States Attorney General's Office, including the local United States Attorney's Office;

(4) The Governor and Lieutenant Governor of Louisiana; all State legislators; the State Attorney General's Office; the Department of Corrections; the Parole Board; Public Defender's Office; and the Parish District Attorneys.

(b) The defendants, and all persons in privity with them, shall be, and they are hereby prohibited from reading or otherwise interfering with any incoming mail from judges of the federal and state courts and any attorney, including United States Attorneys and District Attorneys, except to open and inspect such mail, in the presence of the inmate addressee, whenever the prison officials have reasonable grounds to suspect escape attempts or to discover drugs, weapons, contraband, or other material expressly prohibited by state or federal laws or by prison rules.

8. *Conditions of punitive or administrative confinement and procedural due process.*—(a) The defendants shall continue to apply the procedures and standards for punitive or administrative confinement that were approved and ordered by this Court in the case of *Ralph v. Dees*, Civil Action No. 71-94, Middle District of Louisiana, decided by this Court on March 13, 1975, which procedures and standards the Court there found to meet Procedural Due Process requirements.

9. *Report on immediate and intermediate relief.*—(a) Within one hundred and eighty (180) days from date hereof, the defendants shall file with this Court, with copies to counsel of record herein, a detailed report, certified by the Director of the Department of Corrections, setting forth the steps taken to comply with this order for Immediate and Intermediate Relief. This report shall specifically set forth any areas of non-compliance, giving detailed reasons therefor. If the report shows areas of non-compliance, a hearing will be held in connection therewith, after which the Court will impose such sanctions on the defendants as it deems necessary and proper.

10. *Long range planning and relief.*—(a) Within one hundred and eighty (180) days from date hereof, the defendants shall file with the Court, with copies to

counsel of record herein, a comprehensive report pertaining to the proposed long range operation of the prison system in Louisiana, said report to cover:

(1) Detailed plans for the long range improvement in the security and protection of inmates and civilian personnel at the Louisiana State Penitentiary.

(2) Detailed plans for the decentralization of the Louisiana State Penitentiary and for the establishment of several smaller facilities throughout the state, together with specific timetables and funding plans for such decentralization. In the event a complete decentralization is not absolutely assured within two years from date hereof, and in the event the actual decentralization is not to commence within one year from the date hereof, then the report shall contain specific plans, with specific timetables, for:

(a) Construction of additional cells at Angola.

(b) Construction of additional dormitories at Angola.

(c) Proposed changes in inmate classifications, housing, and work assignments.

(d) Estimate of additional security personnel and equipment needed in the future to ensure the continued safety of inmates and prison personnel.

(3) Whether or not the personnel and equipment ordered as immediate relief by this order in the area of medical care has proven satisfactory, and if not, specific plans for the long range furnishing of adequate health care to the inmates at the Penitentiary.

(4) A statement as to whether or not the steps taken pursuant to this order for the immediate elimination of electrical and fire hazards have been adequate, and whether or not the steps taken pursuant thereto to compel immediate compliance with the Fire, Health and Sanitation laws of the State of Louisiana have been adequate to protect the life, safety and health of the inmates and prison personnel at Angola. If it is determined that the immediate and intermediate steps have not been adequate for long range operations, the report shall contain a detailed plan for the long range accomplishment of these objectives.

(5) A specific plan for the regular and periodic inspection of all facilities at Angola by the State Fire Marshal and the State Department of Health and for the furnishing of reports by those agencies to this Court at periodic intervals.

(6) The feasibility of reducing inmate population at Angola by housing certain classes of inmates, (i.e., first offenders, inmates convicted of non-violent crimes, inmates in need of mental health care) at locations other than Angola, including the possibility of arrangements with other state or federal penitentiaries; instituting a system of half-way houses for those convicted of minor offenses; utilization of work-release, parole, and probation programs.

(7) In general, and in addition to the above specified items, the report shall set forth in detail specific plans for the long range operation of the Louisiana State Penitentiary in such a fashion as to eliminate completely the unconstitutional and illegal practices and conditions heretofore found to exist.

II. General provisions

1. In order to ensure that this order is fully and promptly complied with, and in order to immediately eliminate as far as possible the hazardous and patently unconstitutional conditions presently existing at the Louisiana State Penitentiary, this Court does hereby declare and find that an extreme public emergency as defined in La. R.S. 38:2211(d) does exist at the Louisiana State Penitentiary at Angola, Louisiana, insofar as the need for construction of buildings, repairs to buildings and facilities, maintenance of buildings and other facilities, fencing, alteration of buildings, facilities, and other structures is concerned, and in connection therewith, and in view of this finding by the Court, and pursuant to the provisions of La. R.S. 38:2211(d):

It is ordered that the defendants shall not be required to advertise and let out for bids any construction, repair, alteration, or maintenance job at the Louisiana State Penitentiary at Angola that exceeds or might exceed the sum of \$2,500.00 as is ordinarily required by La. R.S. 38:2211(a) where no extreme public emergency exists. The purpose of this order is to permit and encourage the defendants to use to the fullest extent possible inmate labor in the repair,

construction, erection, maintenance, alteration or renovation of buildings and other facilities and structures at the Penitentiary.

2. While the method of funding the things required to be done by this order is a matter to which the defendants and other responsible state officials must direct their attention, the Court does urge the defendants to seek whatever financial assistance might be available from the Law Enforcement Assistance Administration of the United States Department of Justice, which agency was established by the Congress ". . . to encourage States . . . to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices." 42 U.S.C. § 3750. It might well be that members of the Louisiana Congressional delegation, if called upon, could assist in this endeavor.

3. This Court hereby retains jurisdiction over this matter for the purpose of receiving the reports called for herein and for the purpose of issuing such additional orders as it may from time to time deem necessary and proper.

4. IT IS FURTHER ORDERED that a copy of this order be served in accordance with law upon the defendants, Governor Edwin Edwards, Department of Corrections Director Mrs. Elnyn Hunt, and Warden C. Murray Henderson, and upon William Guste, the Attorney General for the State of Louisiana, and that this suit be dismissed as to all other named defendants.
Baton Rouge, Louisiana, June 10, 1975.

E. GORDON WEST,
U.S. District Judge.

APPENDIX A

U.S. District Court, Middle District of Louisiana

(Civil Action No. 71-98)

HAYES WILLIAMS, LEE D. STEVENSON, ARTHUR MITCHELL, JR., AND
LAZARUS D. JOSEPH, JR.

v.

JOHN J. McKEITHEN, GOVERNOR OF THE STATE OF LOUISIANA; LOUIS M. SOWERS,
DIRECTOR OF THE LOUISIANA DEPARTMENT OF INSTITUTIONS; C. MURRAY HENDERSON,
WARDEN OF LOUISIANA STATE PENITENTIARY AT ANGOLA, ET AL.

SPECIAL MASTER'S REPORT

This suit involves the alleged unconstitutional conditions and practices in the maintenance, operation and administration of the Louisiana State Penitentiary at Angola, Louisiana. The United States Magistrate was appointed Special Master in this matter on November 26, 1973. Now, after carefully considering the pleadings, depositions, stipulations of counsel, and the jurisprudence and after having made personal judicial inspections of the Louisiana State Penitentiary, I submit the following findings of fact, conclusions of law and recommendations:

FINDINGS OF FACT AND CONCLUSIONS OF LAW—HISTORY OF THE CASE

This suit was originally filed by Hayes Williams, Lee D. Stevenson, Arthur Mitchell, Jr. and Lazarus D. Joseph, Jr., inmates at the Louisiana State Penitentiary at Angola, Louisiana, pursuant to 42 U.S.C. 1981 and 1983. Named as defendants in the original complaint were John J. McKeithen, former Governor of the State of Louisiana; Louis M. Sowers, the former Director of the Louisiana Department of Corrections; C. Murray Henderson, the Warden; and six other prison officials. The Governor, Director and Warden are hereinafter referred to as the "defendants." The plaintiffs alleged that the defendants were depriving them of their rights under the United States Constitution and Sections 1981 and 1983 of the Civil Rights Act. In addition to seeking monetary damages, the plaintiffs also sought declaratory and injunctive relief. Jurisdiction was invoked under 28 U.S.C. 1331 and 1343. Supplemental and amended complaints