

FOR THE DISTRICT OF NEBRASKA

INDIAN INMATES OF THE)
NEBRASKA PENITENTIARY,)
)
Plaintiffs,)
)
vs.)
)
JOSEPH VITEK,)
)
Defendant.)

Civil No. 72-L-156

ORDER - JUDGMENT
AND DECREE

Plaintiffs who comprise the class of Indian inmates incarcerated in the Nebraska Penal and Correctional Complex sued defendant Charles L. Wolff, Jr.,¹ claiming certain deprivations of rights secured to them under the First and Fourteenth Amendments, by filing a pro se complaint. Counsel was then obtained for plaintiffs. Specifically, plaintiffs claimed that officials refused to permit an Indian Culture Club; that access to Indian religion, including the Native American Church was denied to them; and that they were discriminated against in various ways in the rehabilitation process including work release, work assignments and the failure to provide Indian counselors and instructors.

Upon the pleadings all proceedings heretofore had herein, and upon agreement of the parties represented by counsel and upon the Court's finding that the interests of the class have been fairly represented here, it is:

ORDERED, ADJUDGED AND DECREED that the defendants, their agents, servants, employees and their successors in office are hereby permanently enjoined and ordered to:

1. Permit the wearing of traditional Indian hairstyles, provide such hairstyles are kept clean at all times.²

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1. Joseph Vitek, Director of Correctional Services is substituted as defendant under Rule 25, F. R. C. P.
 2. On July 29, 1974, Defendants rescinded the penitentiary's hair length regulation which Plaintiffs challenge, and promulgated the following rule which reads in part:

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guidelines are delineated:

Length of Hair: Hair may grow over the ears to any length desired by the inmate. The hair must be neatly groomed and kept clean at all times."

2. In order to meet the religious and spiritual needs of the plaintiff class, defendants shall allow inmates access to Indian medicine men and spiritual leaders and provide facilities for spiritual and religious services, including but not limited to the Native American Church. Further, defendants will set aside a percent of its budget that reflects the percent of the Indian inmates in the Penal Complex ^{at any given time} at any given time is allocated for other clergy salaries and expenses attendant to providing services to members of other religious faiths, to payment of fees and expenses attendant to providing Indian religious services or ceremonies.

3. Take the necessary steps to instruct all employees that all benefits presently given to inmates for "religious participation" be extended to those members of the plaintiff class who participate in the aforementioned Indian religious services, ceremonies, or culture group meetings.

4. Extend official recognition to an Indian inmate spiritual culture club composed of members of the plaintiff class and take the necessary steps to ensure that:

(a) The same privileges presently extended to other inmate clubs, such as the Gavel Club and the Junior Chamber of Commerce, are extended to the Indian Culture Club; and that

(b) Active membership in the Indian Culture Club be given the same recognition in terms of inmate pay raise points or other benefits presently given for active membership in other inmate self-betterment or religious groups.


5. The defendant and plaintiffs' counsel shall formulate an affirmative action hiring plan designed to locate job applicants and to secure employment and training by the defendant of qualified Indian personnel,

Submitted to the Court for its approval by the parties within thirty days after the effective date of this Consent Judgment.

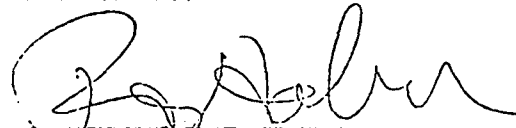
6. The Indian club will designate certain representatives to participate in advising the Athletic and Recreation Committee concerning the type of movies to be shown at the Complex.

7. The defendants will offer accredited courses in Indian studies at the Nebraska Penal and Correctional Complex within a reasonable time after the effective date of this Order. The plaintiffs³ will aid the defendant in obtaining personnel, materials, and financial resources, as well as aiding in the formulation of the course subject matter.

8. Plaintiffs waive counsel fees.

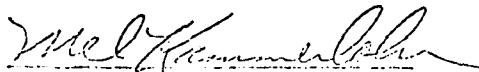

District Judge

Consented To:



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3. The parties will utilize Indian educational resources agreed to by the parties in developing the Indian Studies course, such as the Institute of American Indian Studies of the Bureau of Indian Affairs, United States Department of the Interior.