

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

BERNARD CROWE, THOMAS WHITE
HAWK and RICHARD WILLIAMSON,
individually and on behalf
of all others similarly
situated,

Plaintiffs,

-vs-

DON R. ERICKSON, individually,
J.B. PARKINSON, as Warden of
the South Dakota State
Penitentiary; FREDRICK R. COZAD,
WILLIAM R. McCANN, M. LARRY
DAHLSTROM, LAMBERT HOLLAND, M.D.
and DOROTHY ECKER, individually
and as members of the BOARD OF
CHARITIES AND CORRECTIONS
of the STATE OF SOUTH DAKOTA;
and RICHARD F. KNEIP, individually
and as Governor of the STATE OF
SOUTH DAKOTA,

Defendants.

Civ. 72-4101

FILED
January 29, 1975
William J. Srstka,
Clerk
By Janet M. Hansen,
Dep uty

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PARTIAL CONSENT

DECREE

Upon the pleadings, all prior Orders, and all proceedings
heretofore had herein, and all of the parties represented by counsel,
and with the approval of counsel, it is hereby

ORDERED, ADJUDGED AND DECREED that the South Dakota Board
of Charities and Corrections shall adopt policies and procedures to
effectuate the following:

1. Outgoing Mail. No outgoing mail will be opened or censored,
and no correspondence lists will be maintained. Where Penitentiary
officials receive written requests that an inmate be prohibited from
writing to the person making such request, a list may be maintained
for such purpose.

2. Incoming Mail.

(a) Incoming mail from any Court or attorney will be opened only in the presence of the inmate recipient and not read; provided, however, that Penitentiary officials may take reasonable steps to determine the genuineness of the addressor as represented on any envelope.

(b) All other incoming mail shall be opened for inspection purposes only, but not read by Penitentiary officials, at times in which a designated inmate shall be present to observe such opening and inspection. Inmates observing such inspection shall be changed from month to month, and shall acknowledge such observation by forms kept for that purpose.

(c) All packages shall be opened and inspected in the presence of the inmate recipient, and Penitentiary officials shall retain all containers and wrappers, including secondhand books and magazines sent from parties other than bookstores and educational institutions.

3. Censorship. Penitentiary officials may not censor any publication, or portion thereof, unless it presents a clear and present danger to security, order and rehabilitation. Notice of censorship or disapproval of any publication shall be given the inmate-addressee, who may request a hearing for the purpose of determining the existence of any foregoing governmental interests of security, order or rehabilitation.

Dated:

ATTEST:

J.
WILLIAM SRSTKA

Clerk
By JANET M. HANSEN, Deputy
(Seal)

BY THE COURT:



FRED J. NICHOL

Chief Judge