

14127

United States Court of Appeals
Seventh Circuit
1712 Lake Shore Drive
Chicago, Illinois
Docket No. 14127

14/27

Thomas Cooper, Appellant,
— against —
Frank G. Bates, Warden et al.
Stateville Prison, Joliet, Ill.
Appellee,

On Appeal from
U.S. District
Court for the
Northern District
of Illinois.

[Appellant's Briefs & Appendix]

[State of Illinois] [County of Will] [Certificate of Proof of Service]

I Thomas Cooper, Appellant, depose and say that on the [3rd] Third day April, 1963 I served the instant on the following named persons:

1. Mr. Kenneth J. Curwick, Clerk, of
U.S. Court of Appeals, Seventh Circuit
Chicago 16, Illinois
and,

Courtesy General, William D. Clark,
160 North La Salle Street
Chicago 3, Illinois

by placing a true copy thereof 1 for
the attorney Gen. 17 copy to Court
Clerk to be mailed as aforesaid.

Thomas Cooper 33457
Box 117, Joliet Illinois

Subscribed and sworn to before me at
Joliet Ill. this day of April 1963.

Thomas Cooper
Appellant
Thomas Cooper

Notary

[Page 1]

FILED
APR 23 1963
KENNETT

In the United States Court of Appeals
[7] Circuit, Chicago 4, Illinois
[State of Illinois] ss. [In the Seventh Circuit
County of Cook] Court of Appeals Thurg.

In the Matter of Thomas Cooper
[Motion in Forma Pauperis]

Comes Now the Above named Thomas Cooper And Truly Assents

- [1] That he is a National of the United States of America by Essence of Birth in the State of Illinois:
- [2] That he is Indigent, owning no property, Real or personal, or other assets of sufficient quality, to prepay fees for the filing or prosecution of the Complaint petition of Civil Action, or give security for Cost thereof.
- [3] That with but limited knowledge in the field of law to comprise all tenable points derivable in and from the Cause of action in said petition.
- [4] That he believes the above and aforesaid legal proceeding is of merit, commenced in Good faith and privileged to further

Wherefore, he supplicates the Honorable Court for leave to so proceed in forma pauperis in the Matter of pleading at law.
Respectfully Submitted

Thomas Cooper, no. 33257
Box 1112 - Joliet, Illinois

[State of Illinois] ss. Affidavit
County of Will

Thomas Cooper, duly sworn, deposes and says that the matters set forth in the above Cause by him subscribed are true in substance and in fact.

Thomas Cooper
Thomas Cooper

Subscribed and Sworn to
before me at Joliet, Ill.
____ day of April 1963.

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Notary Public Edwin Myers

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[Table of Cases]

Title 28 U.S.C.A. Section 1373;
 Title 48 U.S.C.A. Section 1383;
 Art 2, Section 2, 3, of the U.S. Bill of Rights;
 Amendment 1, 5, 14, of the U.S. Constitution;
 Pierce vs. Le Valley 293 F.2d 233 [1361]
 Illinois Rev. Stat. Ch. 108, Section 150 [131]
 Kelly v. Dowd Supra;

[Page Three 3]

1000-2000-1

Coram Nobis
Chapter 110, Sec: 12.
Illinois Rev. Statute.

☒ Indictment.
~~No. 1.~~

No. _____

☒ ☒ ☒
Plaintiff
V.S.
The State of Illinois.
Defendant.

PETITION.

[State of Ill.
County of Will.]

United States Court of Appeals
For the Seventh Circuit
1212 Lake Shore Drive
Chicago 10, Illinois

Thomas Cooper,
Appellant,
Frank G. Pate, warden
et al Stateville Prison
Appellees.

On Appeal from
U.S. District Court
Northern District of
Illinois.
No. 14127

[Appellant's Briefs and Appendix]

[Preliminary Statement]

The Action Herein was brought by inmate Thomas Cooper of Stateville prison, solely seeking to invoke Federal Court jurisdiction and relief against the warden, and Director of public safety. Acting under color of a state statute, the action charges religious discrimination, against the Islamic Religion and its leaders, in that Appellant was wrongfully placed in solitary confinement [signified], and viciously attacked solely because of his requests to obtain a Muslim Bible [Quran], Language Books [Arabic, Swahili, etc.] for religious worship and academic advancement. In addition to the deprivation of other rights of religious belief and worship freely accorded to inmates of other religious faiths.

In violation of your Appellant's Civil Rights secured by all citizens by the Constitution and laws of the United States

The Action was brought, pursuant to provisions for federal relief under Title 42, U.S.C.A. 1343, and Title 42, U.S.C.A. 1983 on July 5, 1967.

[Page Six 6]

The Action was set for hearing before
The Hon. Richard B. Austin in the U.S.
District Court for the N.D. of Ill. for
Sept. 10, 1968, under Docket No. 67C1308
on that day hearing was had and motion
for Defendants to dismiss was denied and
leave was granted for Defs. to answer or
plead within 60 days to Complaint; After
60 days had expired your Appellant, prepared
a Motion for Default and same was received
and filed Dec. 10, 1968 on Dec. 17,
Complaint was dismissed on motion of Defendant
see Placita Dec. 1968 term.

That the Defendant by the Attorney Gen.
answered your Appellant Complaint with
General Denials and specific affirmative
responses; 17 To dismiss the Action because
the Complaint fails to state a claim against
Defendants upon which relief can be granted
17 That the relief demanded in plaintiff's
Complaint would be inimicable to the
order and discipline in the Ill. State
Penitentiary at Joliet;
137 That suits involving the Internal Man-
agement of State prisons are not within
the scope of the Federal Civil Rights Act,
127 That the alleged Religion referred to
in Plaintiff Complaint is not a Religion
at all but rather a Racist Organization
and thus not entitled to the protection
guaranteed by the First Amendment
to the Constitution of the United States.

Daniel H. Kadjan A.C. Heros

[Page Seven 7]

[Summary of Argument]

Thomas Cooper,
Petitioner-Appellant
- vs. - Frank J. Galt, Warden
Et Al, Respondents-Appellees

No.
14127

(A.) If the Petitioner-Appellant is being denied his Constitutional Rights On Violation of 11th and 14th amendment to Constitution of the United States he is entitled to Relief.

(B.) The Allegation in Petitioner's petition disclose that he is being denied his Civil Rights guaranteed by Amendment 11 and, U.S.C.A. Section 1373, Title 28. Title 42 Section 1983 U.S.C.A.

(C.) That the Federal Court Erred in not granting Petitioner Appellant a Trial and Hearing, in Accord with Ruling of U.S.C.A. of Appeal Second Circuit Decision in *Pierce v. La Valle* 203 F.2d 233 (1961) and all Relief Prayed for should have been Granted.

[Page five 5]

[Facts and Arguments] Consolidated

[1] The allegations, Evidence, and proofs offered in Complaint show without contradiction these salient facts in support of Relief in Federal Court: That under the laws of the State of Illinois Art 2, Sec. 2, 3, Fr Wit [Illinois Const.] *** The Freedom and Enjoyment of Religious Profession and worship without discrimination, shall forever be guaranteed *** and Ch. 108 Sec. [507[51]]: Illinois Revise. Stats; *** That the Clergymen of all denominations shall be admitted freely and without hindrance or restraint to visit at pleasure any Inmate confined in the penitentiary, at Joliet or any other prison. *** Sec. 51 1/2 It shall be the duty of the warden Superintendent or other officers in charge of any Institution *** to permit the administration of Religion according to the Rights and Ceremonies of the Church: To which the visiting Clergyman belongs and to aid and assist such Inmates as aforesaid, who may desire it to the comforts of Religion at the hands of a Clergyman of his or her own selection; *** [Sec. 52]

[2] That your Appellant followed the prescribed practices and procedures of the Institution, and duly requested the equal, of privileges with respect to the acquisition free use, and worship in the Islamic faith equal to the privileges of other faiths;

That a policy was adopted by the
[Page Eight 8]

The prison authorities throughout the prison system of the state and this prison in particular, to deal with the intense interest of these muslim prisoners for broader religious education in the Islamic faith [namely keeping under lock and key 24 hrs. a day the printed out leaders of the muslim faith and the confiscation of religious material].

[37] That the authorities of stateville prison acting under color of state law & statute and under supervision and direction of the department of public safety, undertook to restrict conversion of the Islamic Religion [Original Petition para. 6, 7] and formulated a procedure to curtail the use and availability of literature of the Islamic faith in the state prison; and finally censured and banned the use, study, acquisition and purchase of the Holy Quran by your appellant, [page 5, 6, 7]

[4] That your appellant wrote to the then Director of Public Safety Mr. [Joseph B. B.] [Aug., 1958 and Jan. 18, 1959] respectively complaining of not being allowed to obtain the Holy Quran and other Islamic material, and to contact spiritual advisors among them [Mr. Khalid Ahmad, muslim leader of the Ahmadiyya movement, 1291 Leroy Pl. N.W. Washington 25, D.C. and Mr. Elijah Muhammad 5335 So Greenwood Avenue, Chicago Illinois, and Mr. Muhammad Asad Lahore Pakistan etc.] that I be permitted to obtain the Holy Quran from [Imam Bokhary] [I have, Dec 11 1958 12 Street N.Y.C. N.Y.] Translated by

[Page nine 9]

Muallama Muhammad Ali.

That Joseph Ribes, Director The
Then Warden [Joseph E. Ragen] To Release
your Appellant from [Solitary Confinement]
unit [Segregation] - but that I would
have to seek Legal Action in Court to
obtain [So Called Religious Literature] Islam
who has of to date more than a billion and
a half adherents.

Thus I was Released from Solitary
Confinement for about 90 days [Page 97
Original Petition]

That upon one Interview the Then
Warden [Joseph E. Ragen] He Confided
to me He feared I was an organizer
and had ulterior motives, and in his
observation of me I was always surrounded
by one-hundred to 150 inmates [mostly
Colored + Mexican] and with the popula-
tion being 7 African [Colored] and
there were 5000 to 6000 inmates
to Islam and about 800 sympathizers
[His figures] He feared that I and my
associates would be able to control the
prison. He asked me Q. Whose side are
you on? I answered The Right side.
I ask him Q. What is a Moslem Son?
He could not answer. I ask him what
was the Esoteric meaning of the Black
Sassol on the Throne of? He could
not answer. He accused me of performing
[Black Magic] Causing strange mishaps to
happen in the form of accidents and
surgical operations on him and his
associates, and I would have to enlist
the Court aid to be permitted in the

[Page Ten 10]

After Holding Appellant for more than four years in the Solitary Confinement unit your appellant was released. In the general population for about 30 days discussing on the Wolf Side [Beam Side] In the midst of about 100 the hundreds inmates your appellant was apprehended as soon as he reached the cell house and placed in isolation. Three 237 days later about 40 officers, lieutenants and a group of inmates referred to as the Yoon Square, moved your appellant to the Solitary - Isolation Cell; after 157 days without food I was placed in the Solitary Confinement unit, where I still remain today.

[47] your appellant avers that the District Court Erred in not holding a hearing and complete trial on the allegation in Civil Complaint No. 67C1308; in accordance with the Pierce v. J. E. Ray Valley Decision 233 F.2d. 233 [1361] P. 233 [3748917]; which gives the federal Court Jurisdiction.

[57] That the District Court Erred in not holding the Defendants Etc al in Default for not answering Complaint within 60 days

[67] That all the allegations in Defendants motion to dismiss should have been null and void. See Pierce v. Ray Valley 233 F.2d. 233 [1361] P. 233 [67 Federal Civil Procedure 1741;

[77] That your appellant contends that the U.S. District Court Erred in not granting your appellants prayer [1] the right to purchase the Holy Quran [2] the right to contact spiritual advisors

[Page Eleven]

[3] For an end to all Islamic Discrimination and for Other Relief as Justice Requires

[a] That the District Court Erred in their assumption that no Cause of action exists that the U.S. Court of Appeals has affirmed Time and Time again that suits involving Religious Rights are within the scope of the Civil Rights Act and the Federal Court should have entertained.

[b] And that the Defendants Motion to Dismiss Defendants Erred in his Allegation and Inference, that Islam, 'The Nation of Islam', the Black Muslims, and the followers of the Hon. Elijah Muhammad are not a Religious Organization and number in the millions of which some a Registered member and leaders are also Registered in the Spain 277 Islamic Captains of the muslim world.

[c] It is Contended that the Dispute and Controversy between the Defendants and plaintiff herein have not been settled and shall never be settled or noted under the framework of the existing law as enforced by the Dept. of Public Safety; particularly as applied to the enforcement of the Rules, Regulation, Restriction, and policies of that Department and of Statewide prison.

[d] Restricting the right of any inmate to acquire and possess the Holy Quran and Other Islamic Religious Material;

[e] So long as the Holy Quran is denied to any inmate; [Page twelve 12]

1871

171 District Charges + Balance
State of Illinois
County of Cook

We are being Denied Due Process, and the
Equal protection of the law. In violation
of Amend. 1, 5, & 14 of the U.S. Const. and
Art. 2, Sec. 2, 3 of the Ill. Const. and also
contrary to the U.S. Court of Appeals
Decision. See: Pierce v. Le Valle, and
Kelly v. Stuch. supra;

Further petitioner say not

Thomas Cooper # 33257

Box 1112 Joliet Illinois

[Prayer]

Therefore Petitioner Appellant Prays:

- [A] That his Prayer in Original Complaint
82 C 1308 be granted.
- [B] That this Court issue and order [1]
of Declaratory Judgement against
Defendant Appellees, also [2] an order
of Injunction to Restrain Defendants
from persecution, solitary confinement
and psychological coercion of Appellant
petitioner.
- [C] That the Court enter an order and
injunction to Restrain Defendants and
other Defendants Appellees to allow
petitioner Appellant to worship, and
contact all his spiritual advisors
[The Honorable Elijah Muhammad and
Mr. Muhammad Akbar, Mr. Khalil
Nasir Et.] And to receive the Holy
Quran and other Islamic Religious
material from temples at 5335 So.
Greenwood Avenue, and from
Lahore Pakistan, and from 1891

[Page Thirteen 13]

Pl. No. W. Washington D.C. Mc and
from from Ontario Book No. 11
East 12 St. New York City N.Y.
[D] That the Respondents appellants put
an end to all Religious Discrimination
and for other and further Relief as
Justice requires

[E] That the Court enter an Order and
Injunction against the Respondents -
appellants and Order them to Release
Petitioner Appellant out of Solitary
Confinement & Segregation & put into
the General Population without
hindrance or limitation within the
Prison that other inmates have;

[F] That the Allegations of Petitioner Appellant
be Granted Consistent with Justice
as those who sit in the Seats of the
mighty should distribute
Further Petitioner My Note
[State of Illinois] [Persecution and]
[County of Cook] [Oppression]

Thomas Cooper being sworn on oath
depose and say the matters herein
are true to fact to the best of his abilities.

Thomas Cooper
Affiant

Subscribed and sworn to before me at
Joliet, this — day of April 1963.

Thomas Cooper
[Notary Public]
[Edwin Meyers]

Thomas Cooper
[Thomas Cooper]
[Petitioner Appellant]

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[Exhibit A]
State of Illinois
William H. Stratton, Governor [General Office]
Springfield, Ill.
Department of Public Safety
Joseph E. Rife, Director
Guy C. Mitchell, Assistant Director

Mr. Thomas S. Cooper
Register No. 33457
Illinois State Penitentiary
Joliet, Illinois

September 7, 1958

Dear Sir: I have your most recent letter regarding your
complaint about the restrictions placed upon certain
kinds of so-called "leisure" literature.

A review of your records, and the reports of
some of your associates, leads us to conclude
that the ~~Warden~~ ~~Director~~ ~~Director~~ is very poor judgment
in this instance.

J. D. B. MK.

Yours very truly,
Joseph E. Rife,
Director.

[Exhibit B]

[January 27, 1959]

Dear Sir:

I have your most recent letter in which you
raise the issue as to why you were denied certain
leisure literature.

I suggest that you take this issue up with
Warden Rogers, who I am quite sure will
explain the same to you.

Our files reveal that you, in contact with some
of your associates, went on a "hump" trail, and
perhaps the restrictions of literature in places appear some
reasons that warden Rogers will be more than happy
to explain to you.

Yours very truly,
Joseph E. Rife,
Director

J. D. B. MK.

[Page ~~thirteen~~
fifteen]
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