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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

EDDIE WILLIE TAYLOR, suing on
behalf of himself and all others
similarly situated,

Plaintiffs,

vs.

STATE OF ARIZONA; WALTER G. JACOBS,
Chairman of the Board of Pardons and
Paroles; ALLEN COOK, Director of the
Department of Corrections; FRANK A.
EYMAN, Warden of the Arizona State
Prison; A. G. JIMENEZ, a Guard
Captain at the Arizona State Prison,

Defendants.

GEORGE YANICH, JR., suing on behalf
of himself and all others similarly
situated,

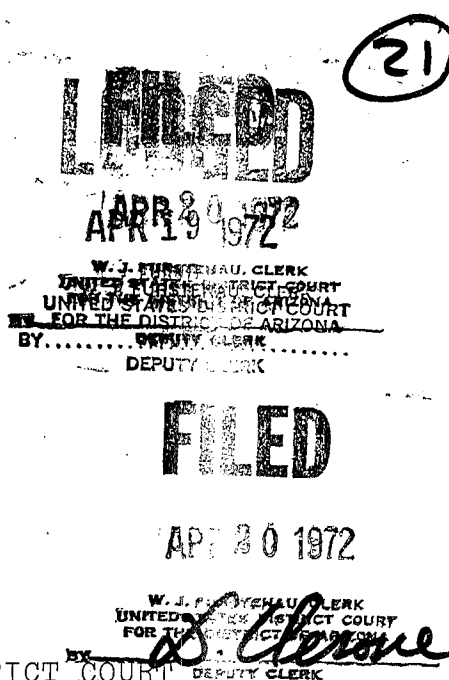
Plaintiffs,

vs.

STATE OF ARIZONA; WALTER G. JACOBS,
Chairman of the Board of Pardons and
Paroles; ALLEN COOK, Director of the
Department of Corrections; FRANK A.
EYMAN, Warden of the Arizona State
Prison; SOLOMON MADRIL, a Correctional
Officer at the Arizona State Prison;
and PABLO LOPEZ, a Correctional Officer
at the Arizona State Prison.

Defendants.

For their Complaint, plaintiffs allege as follows:



No. CIV 72-21 PHX-WPC

No. CIV 72-58 PHX-WPC

AMENDED COMPLAINT FOR
DECLARATORY RELIEF AND
INJUNCTION, PERSONALLY
AND AS A CLASS ACTION

COUNT ONE

1. Plaintiff Eddie Willie Taylor is an inmate at the Arizona State Prison, Florence, Arizona.

2. Defendant Walter G. Jacobs is the Chairman of the Arizona State Board of Pardons and Paroles. Defendant Allen Cook is the Director of the Department of Corrections and is responsible for the operation of the Arizona State Prison. Defendant Frank A. Eyman is the Warden of the Arizona State Prison and is responsible for the day to day supervision of all Arizona State Prison personnel and inmates. Defendant A. G. Jimenez is a guard captain at the Arizona State Prison. All of the defendants are residents of the State of Arizona. At all times relative to this Complaint, the defendants were acting in their official capacity under color of State law.

3. This Court has jurisdiction of the subject matter of this action under 28 U.S.C. § 1342 and 42 U.S.C. § 1983.

4. On October 12, 1971, plaintiff Taylor was involved in a knife fight with two other inmates.

5. On October 13, 1971, Captain A. G. Jimenez attempted to force plaintiff Taylor to admit that he attempted to murder the other two inmates involved in the knife fight. Captain Jimenez became enraged and cursed the plaintiff and smashed him in the face several times with large cell keys that he was carrying on the outside of his fist. This attack was inflicted without provocation for the purpose of beating a confession out of the plaintiff. It was a violation of the plaintiff's privilege and right to be immune from assault and battery while in the custody of a person acting under color of State law, and it further violated the right of the plaintiff to be punished only in accordance with due process of law. The rights of the plaintiff under the Fourteenth Amendment to the United States Constitution were thereby infringed.

6. Subsequently, plaintiff Taylor was arraigned before a Justice of the Peace in Florence, Arizona, on two counts of assault with intent to commit murder with a deadly weapon, and one count of possessing a sharp instrument by an inmate. A preliminary hearing was held and the plaintiff was bound over for trial on the charges in the Superior Court of Pinal County. On January 11, 1972, the plaintiff was tried in the courtroom of the Honorable E. D. McBryde, in the Superior Court of Pinal County, Arizona, at Florence, and was acquitted that same day by a jury of all charges stemming from the knife fight on October 12, 1971. Attached hereto as Exhibit A and incorporated herein by reference are certified copies of the Criminal Complaint, Information, Trial Minutes, and the three Verdicts of "Not Guilty."

7. Plaintiff Taylor was confined in isolation from October 12, 1971 through October 29, 1971. Such confinement was imposed without a hearing and was in violation of the plaintiff's right to due process under the Fourteenth Amendment to the United States Constitution.

8. Since October 29, 1971, and to and including the date of this Complaint, plaintiff Taylor has been confined in the adjustment center; he has not been permitted to resume his prison labor as a barber; he has not been afforded a hearing before the Prison Disciplinary Board; he has not been informed that he has violated any disciplinary rules of the Arizona State Prison; he has not been informed why he has not been permitted to return to the cell block 3 general inmate population; he has not been permitted any recreation but has been confined to his cell 24 hours every day; he has been deprived of many meals, sometimes not being given food for at least an entire day. By these acts, the defendants have violated the plaintiff's right to due process of law under the Fourteenth Amendment to

the United States Constitution and have subjected the plaintiff to cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution as made applicable to the states by the Fourteenth Amendment.

9. The defendants, or some of them, have unlawfully deprived plaintiff Taylor of his "two-for-one good behavior time," mandated by A.R.S. § 31-251. This was done summarily in violation of his right to due process under the Fourteenth Amendment to the United States Constitution.

10. Defendants, their agents, servants and employees have unlawfully, willingly, knowingly and deliberately deprived the plaintiff of the rights, privileges and immunities secured to him by the United States Constitution, all to his irreparable harm, by each of the following acts independently and collectively: (1) incarcerating him in isolation and the adjustment center; (2) subjecting him to a brutal beating in violation of his privileges and immunities and his right to due process; (3) subjecting him to cruel and unusual punishment; (4) refusing him a Prison Disciplinary Board hearing with due process safeguards; and (5) unlawfully denying and forfeiting his two-for-one time, all in violation of his rights under the Eighth and Fourteenth Amendment to the Constitution of the United States. Unless enjoined from such conduct, defendants may continue to subject the plaintiff to further forfeitures and punishments and confinement in isolation or the adjustment center all to the plaintiff's further imminent and irreparable harm, for which he has no adequate remedy at law.

WHEREFORE, plaintiff Taylor prays as follows:

1. For \$10,000 damages against Captain A. G. Jimenez and the State of Arizona for the beating inflicted upon the plaintiff in an attempt to beat a confession out of him.

2. For \$25 compensatory damages against Frank A.

1 Eyman and the State of Arizona for each day that the plaintiff was
2 incarcerated in isolation and the adjustment center in violation
3 of his rights under the Eighth and Fourteenth Amendments to the
4 United States Constitution.

5 3. For preliminary and permanent injunctions restraining
6 defendants and all their officers, servants, agents, employees,
7 and those acting in active concert with them, from continuing to
8 confine the plaintiff in the adjustment center; from continuing
9 to deny the plaintiff a hearing before the Prison Disciplinary
10 Board concerning any alleged violations by the plaintiff or prison
11 rules and regulations; from holding any Prison Disciplinary Board
12 proceedings without written notice of charges to the plaintiff,
13 written notice of the evidence against him, a reasonable time
14 for him to prepare his defense, the appointment of counsel or
15 counsel substitute to aid him in his defense, affording him the
16 opportunity to present witnesses in his own behalf and confront
17 witnesses against him and permitting him to appeal formally to a
18 higher authority any unfavorable decision of the Prison Disciplinary
19 Board; from subjecting the plaintiff to confinement without the
20 opportunity for daily recreation; from depriving the plaintiff of
21 any meals provided by the prison to any other inmates as a matter
22 of course; from engaging in any other conduct which might in any
23 way interfere with the plaintiff's constitutional rights protected
24 by the Eighth and Fourteenth Amendments to the United States
25 Constitution.

26 4. For restitution of all "two-for-one good behavior
27 time" credits unlawfully forfeited or denied the plaintiff in
28 violation of A.R.S. § 31-251 and the Fourteenth Amendment to the
29 United States Constitution.

30 5. For removal from the Department of Corrections
31 files and Board of Pardons and Paroles files and prison files
32 relating to the plaintiff of all documents and memoranda and
statements, of any nature, made under circumstances violative

of the plaintiff's right to due process, reflecting the status or behavior of the plaintiff.

6. For any further relief this Court shall deem to be just and proper in the premises.

COUNT TWO

11. Plaintiff George Yanich, Jr. is an inmate at the Arizona State Prison, Florence, Arizona.

12. Plaintiff Yanich incorporates herein by reference all the allegations of Paragraphs 3 and 4 of Count One of this Complaint.

13. Defendants Solomon Madril and Pablo Lopez are correctional officers at the Arizona State Prison. They are residents of the State of Arizona, and at all times relative to this Complaint they were acting in their official capacity under color of state law.

14. On December 24, 1971, plaintiff Yanich was charged with violation of prison rules A-201 and A-213. Rule A-201 reads as follows:

"INMATE BEHAVIOR: Always conduct yourself in an orderly manner. Do not fight or take part in horseplay or physical encounters except as a part of the regular athletic program. Do not agitate, unduly complain, magnify grievance, or behave in any way which might lead to violence."

Rule A-213 reads as follows:

"RESPECT TOWARD OFFICIALS: Be attentive and respectful toward State employees and officials. Address any such person 'Mr. (Mrs. or Miss)' followed by his or her last name or by their proper title followed by the last name. Examples: ('Mr. Jones, Lieutenant Smith,' etc.)."

1 These rules do not provide standards of conduct which are
2 reasonably capable of ascertainment, and they are so vague and
3 incapable of uniform enforcement that they are violative of
4 the due process clause and the equal protection clause of the
5 Fourteenth Amendment to the United States Constitution.

6 15. As a result of the charged rule violations,
7 plaintiff Yanich was confined to isolation and retained there
8 without any hearing or notice of charges against him, all in
9 violation of the Prison Disciplinary Board Procedures. A copy
10 of the Prison Disciplinary Board Procedures is attached hereto
11 as Exhibit B and incorporated herein by reference. When he was
12 finally afforded a hearing, he was not given advance notice of
13 the hearing, he was not given written notice of the evidence
14 to be used against him, he was not afforded a reasonable op-
15 portunity to prepare a defense, he was not afforded the
16 opportunity to present witnesses in his own behalf or to confront
17 witnesses against him, he was not afforded the services of counsel
18 or counsel substitute, and he was not permitted to appeal the
19 decision of the Prison Disciplinary Board to any higher authority.
20 Thus was his right to due process under the Fourteenth Amendment
21 to the United States Constitution violated.

22 16. On February 26, 1972, plaintiff Yanich was
23 charged with violation of Prison Rules A-202 and A-204. Rule
24 A-202 reads as follows:

25 "OBEYING ORDERS: Promptly and politely
26 obey all orders or instructions given by
27 employees or by others in charge of
28 inmates. In the event of being given
29 two conflicting orders, always obey
30 the last order given."

31 . . .

32 . . .

1 Rule A-204 reads as follows:

2 "OFFENSIVE LANGUAGE: Do not use
3 profane or obscene language. Do not
4 boo, whistle, shout or make other
5 loud and disturbing noises. Do not
6 make sarcastic or insulting remarks
7 to or concerning others."

8 Both of these rules are so vague as to be incapable of being
9 understood by any reasonable man and to preclude uniform
10 enforcement, and they are therefore violative of the due process
11 clause and the equal protection clause of the Fourteenth
12 Amendment to the United States Constitution. Rule A-204 is
13 further unconstitutional and is facially void for vagueness
14 under the First Amendment to the United States Constitution
15 in that it is overbroad and chills rights to free speech.

16 17. On March 3, 1972, plaintiff Yanich was brought to
17 a hearing before the Prison Disciplinary Board on the two
18 charges specified in Paragraph 16 above. He was not notified
19 of the hearing within a reasonable time to prepare his defense,
20 he was not afforded an opportunity to present witnesses in his
21 own behalf, he was not permitted to cross-examine witnesses
22 against him, he was not permitted to seek help from counsel or
23 counsel substitute, and he was not afforded the opportunity to
24 appeal any unfavorable decision of the Prison Disciplinary
25 Board to a higher authority. Thus, his right to due process
26 under the Fourteenth Amendment to the United States Constitution
27 was violated.

28 18. Plaintiff Yanich was sentenced to isolation by
29 the Prison Disciplinary Board after the hearing described in
30 Paragraph 17 above. Two of the correctional officers on duty
31 during this period were Solomon Madril and Pablo Lopez. Madril
32 and Lopez refused to give the plaintiff food for the entire

two day period of March 9 and March 10, 1972. During this same period of time the plaintiff was provided neither drinking water nor water with which to wash himself. During this same period, the outer doors of the plaintiff's cell were kept tightly shut to exclude both ventilation and light, and no electric light was provided. At no time was the plaintiff permitted to exercise outside of his cell. By these acts, defendants Madril and Lopez intentionally and with malice subjected the plaintiff to cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution.

19. On March 24, 1972, plaintiff Yanich was once again charged with violations of prison rules. He was brought before the Prison Disciplinary Board, and he asked the Board at that time to permit him to be represented by counsel or to be permitted to consult with counsel prior to the hearing. The plaintiff informed the Board that he was at that time represented by the counsel of record on this Complaint, and that he wished to confer with them. The Board refused to permit him to do so. The Board also refused to permit the plaintiff to present witnesses in his own behalf, cross-examine the witnesses against him, or to appeal the decision of the Board to any higher authority. All of this was in violation of the plaintiff's right to due process under the Fourteenth Amendment to the United States Constitution.

20. The defendants, or some of them, have unlawfully deprived plaintiff Yanich of his "two-for-one good behavior time," mandated by A.R.S. § 31-251. This was done summarily in violation of his right to due process under the Fourteenth Amendment to the United States Constitution.

21. Defendants, their agents, servants and employees have unlawfully, willfully, knowingly and deliberately deprived the plaintiff of the rights, privileges and immunities secured

1 to him by the United States Constitution, all to his irreparable
2 harm, by each of the following acts independently and collectively:
3 by (1) incarcerating him on at least two occasions in isolation;
4 (2) subjecting him to punishment in violation of his right to
5 free speech; (3) subjecting him to cruel and unusual punishment;
6 (4) permitting him no right to procedural due process at his
7 Prison Disciplinary Board hearings; and (5) unlawfully denying
8 and forfeiting his two-for-one time, all in violation of his
9 rights under the First, Eighth and Fourteenth Amendments to the
10 Constitution of the United States. Unless enjoined from such
11 conduct, defendants may continue to subject the plaintiff to
12 further forfeitures and punishments and confinement in isolation
13 or the adjustment center, all to the plaintiff's further
14 imminent and irreparable harm, for which he has no adequate
15 remedy at law.

16 WHEREFORE, plaintiff Yanich prays as follows:

17 1. For preliminary and permanent injunctions res-
18 training defendants and all of their officers, servants, agents
19 employees, and those acting in active concert with them from
20 denying the plaintiff a hearing before the Prison Disciplinary
21 Board without written notice of charges to him, written notice
22 of the evidence against him, a reasonable time for him to prepare
23 his defense, the appointment of counsel or counsel substitute
24 to aid him in his defense, affording him the opportunity to
25 present witnesses in his own behalf and confront witnesses against
26 him, and permitting him to appeal formally to a higher authority
27 any unfavorable decision of the Prison Disciplinary Board; from
28 subjecting the plaintiff to confinement without the opportunity
29 for daily recreation; from depriving the plaintiff of any meals
30 provided by the prison to any other inmates as a matter of
31 course; from engaging in any other conduct which might in any
32 way interfere with the plaintiff's constitutional rights pro-

1 tected by the First, Eighth and Fourteenth Amendments to the
2 United States Constitution;

3 2. For restitution of all "two-for-one good behavior
4 time" credits unlawfully forfeited or denied the plaintiff in
5 violation of A.R.S. § 31-251 and the Fourteenth Amendment to
6 the United States Constitution.

7 3. For \$5,000 damages against Solomon Madril and the
8 State of Arizona for subjecting the plaintiff to cruel and
9 unusual punishment in violation of the Eighth Amendment to the
10 United States Constitution.

11 4. For \$5,000 damages against Pablo Lopez and the
12 State of Arizona for subjecting the plaintiff to cruel and
13 unusual punishment in violation of the United States Constitution.

14 5. For removal from the Department of Corrections
15 files and Board of Pardons and Paroles files and prison files
16 relating to the plaintiff of all documents and memoranda and
17 statements, of any nature, made under circumstances violative
18 of the plaintiff's right to due process, reflecting the status
19 or behavior of the plaintiff.

20 6. For any further relief this Court shall deem to
21 be just and proper in the premises.

22 COUNT THREE

23 22. Plaintiffs Taylor and Yanich bring Count Three
24 of this Complaint on behalf of themselves and all other persons
25 who were inmates of the Arizona State Prison on the date of this
26 Complaint, against the State of Arizona, Walter G. Jacobs,
27 Chairman of the Board of Pardons and Paroles, Allen Cook,
28 Director of the Department of Corrections, and Frank A. Eyman,
29 Warden of the Arizona State Prison.

30 23. This Court has jurisdiction of the subject matter
31 of this action under 28 U.S.C. § 1343, § 2201 and § 2202, and
32

1 42 U.S.C. § 1983.

2 24. This Complaint may properly be maintained as a
3 class action because (1) the class is so numerous that joinder
4 of all members is impracticable, (2) there are questions of law
5 or fact common to the class, (3) the claims of Taylor and Yanich
6 are typical of the claims of the class, and (4) Taylor and
7 Yanich will fairly and adequately protect the interests of the
8 class. Furthermore, the defendants have acted or refused to
9 act on grounds generally applicable to the class, thereby
10 making appropriate final injunctive relief and declaratory
11 relief with respect to the class as a whole. Plaintiffs allege
12 on information and belief that there are 1,276 inmates at
13 Arizona State Prison as of the date of this Complaint.

14 25. A copy of the Arizona State Prison Inmate Rule
15 Book is attached hereto as Exhibit C and incorporated herein
16 by reference. The Rules of inmate behavior and discipline
17 which are there set forth are violative of the inmates' rights
18 under the First and Fourteenth Amendments to the United States
19 Constitution in that the rules are overbroad and chill free
20 speech, provide standards so vague as to be incomprehensible
21 to the reasonable man in adopting standards for his conduct,
22 and are so vague that they are incapable of uniform enforcement.

23 26. A copy of the Prison Disciplinary Board Procedures
24 is attached hereto as Exhibit B and incorporated herein by
25 reference. It is violative of the Fourteenth Amendment to the
26 United States Constitution in that it does not provide adequate
27 safeguards for the procedural due process rights of the inmates.

28 27. Prisoners who have been placed in isolation or
29 the adjustment center have been subjected to unhealthful and
30 inadequate diets, and deprivation of exercise, and degrading
31 living conditions, all of which constitute cruel and unusual
32 punishment in violation of the Eighth Amendment to the United

1 States Constitution.

2 28. The defendants, or some of them, have unlawfully
3 deprived many of the plaintiffs of their "two-for-one good
4 behavior time," mandated by A.R.S. § 31-251. This was done
5 summarily in violation of their rights to due process under
6 the Fourteenth Amendment to the United States Constitution.

7 29. Defendants, their agents, servants and employees
8 have unlawfully, willingly, knowingly and deliberately deprived
9 the plaintiffs of the rights, privileges and immunities secured
10 to them by the Constitution of the United States, all to their
11 irreparable harm, by each of the following acts independently
12 and collectively: by (1) punishing them by rules chilling to
13 free speech and overbroad and too vague to provide reasonably
14 ascertainable standards of conduct; (2) denying them the safe-
15 guards of due process of law in Prison Disciplinary Board pro-
16 ceedings; (3) subjecting them to cruel and unusual punishment
17 in isolation and the adjustment center; and (4) unlawfully
18 denying and forfeiting their two-for-one time, all in violation
19 of their rights under the First, Eighth and Fourteenth Amend-
20 ments to the United States Constitution. Unless enjoined from
21 such conduct, defendants may continue to subject the plaintiffs
22 to further forfeitures and punishments and confinement in
23 isolation or the adjustment center, all to the plaintiffs'
24 further imminent and irreparable harm, for which they have no
25 adequate remedy at law.

26 WHEREFORE, the plaintiffs pray as follows:

27 1. That this Court order that Count Three may be
28 maintained as a class action on behalf of the class composed of
29 all persons who are inmates at the Arizona State Prison on the
30 date of this Complaint.

31 2. That this Court enter declaratory judgment that
32 the defendants may not continue to violate the constitutional

1 rights of the plaintiffs guaranteed by the First, Eighth and
2 Fourteenth Amendments to the United States Constitution; that
3 the Inmate Rule Book contains provisions proscribing inmate
4 conduct in terms so vague that no definable standard can be
5 ascertained by which an inmate may properly conduct himself;
6 that the Prison Disciplinary Board Procedures do not provide
7 adequate procedural due process safeguards for the plaintiffs;
8 that the loss or denial of "two-for-one good behavior time" to
9 any inmate is a grievous loss and is impermissible when not
10 hedged about by the vital safeguards of due process of law; and
11 that retaining an inmate in isolation for a period in excess of
12 15 days, or feeding an isolation or adjustment center inmate
13 an unhealthful and inadequate diet, or subjecting any inmate to
14 degrading and unhygienic and unhealthful living conditions,
15 is shocking to the conscience of this Court and is intolerable
16 under the Constitution of the United States.

17 3. That preliminary and permanent injunctions issue
18 restraining the defendants and all their officers, agents,
19 servants, employees, and those acting in active concert with
20 them, from confining the plaintiffs, and each of them, in
21 isolation for a period in excess of 15 days; from feeding
22 plaintiffs, and each of them, unhealthful and inadequate diets;
23 from depriving plaintiffs, and each of them, of a daily exercise
24 period of at least one hour in duration; from denying plaintiffs,
25 and each of them, a prompt hearing before the Prison Disciplinary
26 Board concerning any alleged violations by the plaintiffs, or
27 any of them, of prison rules and regulations; from holding any
28 Prison Disciplinary Board proceeding without affording the
29 plaintiff involved written notice of the charges against him,
30 written notice of the evidence against him, a reasonable time
31 for him to prepare his defense, the appointment of counsel or
32 counsel substitute to aid him in his defense, the opportunity

1 to present witnesses in his own behalf and confront witnesses
2 against him, and the opportunity to appeal formally to a higher
3 authority any unfavorable decision of the Prison Disciplinary
4 Board; from engaging in any other conduct which might in any
5 way interfere with the plaintiffs' constitutional rights
6 protected by the First, Eighth and Fourteenth Amendments to the
7 United States Constitution, or any of them.

8 4. That preliminary and permanent injunctions issue
9 restraining the defendants and all their officers, agents,
10 servants, employees, and those acting in active concert with them
11 from subjecting the plaintiffs, or any of them, to any grievous
12 loss unless the plaintiffs, and each of them are first afforded
13 a hearing before the Prison Disciplinary Board wherein the
14 plaintiff concerned is afforded written notice of the charges
15 against him, a reasonable time to prepare his defense, the ap-
16 pointment of counsel or counsel substitute to aid him in his
17 defense, the opportunity to present witnesses in his own behalf
18 and confront witnesses against him, and the opportunity to appeal
19 formally to a higher authority any unfavorable decision of the
20 Prison Disciplinary Board.

21 5. For restitution to all the plaintiffs of all
22 "two-for-one good behavior time" credits forfeited or denied
23 the plaintiffs in violation of A.R.S. § 31-251 and the Four-
24 teenth Amendment to the United States Constitution.

25 6. For removal from the Department of Corrections
26 files and Board of Pardons and Paroles files and prison files
27 relating to the plaintiffs, and each of them, of all documents
28 and memoranda and statements of any nature made under circum-
29 stances violative of the plaintiffs' right to due process, or
30 any of them, reflecting the status or behavior of the plaintiffs,
31 or any of them.

32 . . .

7. For any further relief this Court shall deem to be just and proper in the premises.

COUNT FOUR

30. Plaintiffs incorporate herein by reference all the allegations of Paragraphs 22 and 23^{and 24} of Count Three of this Complaint.

31. Many inmates live in two "Dorms" at the Arizona State Prison. These barn-like structures are overcrowded, and subject many of their helpless residents to homosexual attacks and violent physical assaults by other inmates. The few guards detailed to police these "Dorms" are either helpless to prevent these attacks or refuse to do so. These terror-inspiring conditions under which many inmates are forced to exist are so destructive of the individual personality and dignity of the inmates involved that the conditions constitute cruel and unusual punishment in violation of the Eighth Amendment to the United States Constitution as made applicable to the states by the Fourteenth Amendment.

32. Training facilities for the purpose of rehabilitating the prisoners and making them capable of ultimately entering civilian life as productive human beings are woefully inadequate. Plaintiffs allege on information and belief that not more than 25% of the inmates are permitted to be schooled and vocationally trained in trades which will provide them and society with citizens of utility and worth to the Nation. The denial of training facilities to at least 75% of all inmates literally programs this neglected majority of men to an uninterrupted and uninteruptable cycle of socially deleterious behavior. This is a reprehensible state of affairs which cannot be reconciled with the supposed function of a correctional system. This grossly violates the principle of rehabilitation of offenders. It

1 constitutes a systematic premeditated subjugation of the neglected
2 inmates to cruel and unusual punishment in violation of the Eighth
3 Amendment to the United States Constitution.

4 33. Most of the buildings comprising the Arizona State
5 Prison are decrepit relics of a day long past. They are ill-
6 ventilated. In the winter they are ill-heated. In the summer
7 they are ill-cooled. Some of them are actually crumbling from
8 structural deterioration. Men forced by the state to live month
9 after month and year after year under such degrading conditions
10 are themselves soon degraded and deprived of their dignity and
11 of their very will to rehabilitate themselves. Constant forced
12 subjection to such surroundings constitutes cruel and unusual
13 punishment in violation of the Eighth Amendment to the United
14 States Constitution.

15 34. Defendants, their agents, servants and employees
16 have unlawfully, willingly, knowingly and deliberately deprived
17 the plaintiffs of the rights, privileges and immunities secured
18 to them by the Constitution of the United States, all to their
19 irreparable harm, by each of the following acts independently
20 and collectively: by (1) forcing them to live in the terrifying
21 atmosphere of the "Dorms" where many of them are subjected to
22 homosexual attacks and violent physical beatings by other pri-
23 soners; (2) failing to provide meaningful and comprehensive
24 schooling and vocational training facilities; (3) forcing them
25 to live and work in decaying and unmaintained buildings, all in
26 violation of their rights under the Eighth Amendment to the United
27 States Constitution as made applicable to the states by the
28 Fourteenth Amendment. Unless enjoined from such conduct, defen-
29 dants may continue to subject the plaintiffs to further cruel
30 and unusual punishment, all to the plaintiffs' imminent and ir-
31 reparable harm, for which they have no adequate remedy at law.

32 WHEREFORE, the plaintiffs pray as follows:

1 1. That this Court order that Count Four may be main-
2 tained as a class action on behalf of the class composed of all
3 persons who are inmates at the Arizona State Prison on the date
4 of this Complaint.

5 2. That this Court enter declaratory judgment that
6 the defendants may not continue to violate the constitutional
7 rights of the plaintiffs guaranteed by the Eighth Amendment to
8 the United States Constitution as made applicable to the states
9 by the Fourteenth Amendment; that confinement in the "Dorms"
10 is characterized by conditions and practices so depraved as to
11 be shocking to the conscience of this Court; that schooling and
12 vocational training facilities are so inadequate and limited as
13 to insure that the neglected inmates have virtually no hope of
14 rehabilitating themselves and becoming useful and productive mem-
15 bers of society; that the buildings in which the inmates live and
16 work are decayed beyond resurrection and incapable of providing
17 an environment conducive to a feeling of self-worth or a desire
18 for self-rehabilitation on the part of the inmates.

19 3. That preliminary and permanent injunctions issue
20 restraining the defendants and all of their officers, agents,
21 servants, employees, and those acting in active concert with them,
22 from confining the plaintiffs, and each of them, in the "Dorms;"
23 from denying to the plaintiffs, or any of them, an opportunity
24 for schooling and vocational training which will enable them
25 ultimately to become useful members of society; from confining
26 the plaintiffs, and each of them, in unsanitary and decrepit
27 and unmaintained buildings where they must live and work; from
28 engaging in any other conduct which might in any way interfere
29 with the plaintiffs' constitutional rights protected by the
30 Eighth Amendment to the United States Constitution as made ap-
31 plicable to the states by the Fourteenth Amendment.

32 4. For any further relief this Court shall deem to be
just and proper in the premises.

LAW OFFICES
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ONE FOURTEEN WEST ADAMS STREET
PHOENIX, ARIZONA 85003
TELEPHONE 262-5311

1 DATED this 19 day of April, 1972.

2 LEWIS & ROCA

3
4 By John P. Frank

5 Dan Norton

6 Attorneys for Plaintiffs
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1 STATE OF ARIZONA)
2 County of Maricopa) ss.

3 EDDIE WILLIE TAYLOR, being first duly sworn on oath,
4 deposes and says:

5 He is one of the plaintiffs in the foregoing action
6 and has read the foregoing amended complaint and knows the contents
7 thereof. The matters and things therein stated are true of his
8 own knowledge, except as to those matters therein stated on
9 information and belief, and as to those matters he believes
10 them to be true.

11
12 Eddie Willie Taylor
13 Eddie Willie Taylor

14 Subscribed and Sworn to before me this 17th day of
15 April, 1972.

16 Jack L. Phelps
17 Notary Public

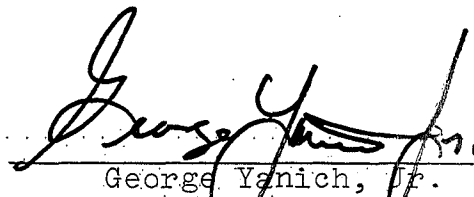
18 My commission expires:

19 3/9/76
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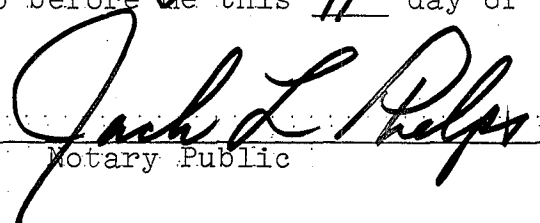
STATE OF ARIZONA)
) ss.
County of Maricopa)

GEORGE YANICH, JR., being first duly sworn on oath,
deposes and says:

He is one of the plaintiffs in the foregoing action
and has read the foregoing amended complaint and knows the
contents thereof. The matters and things therein stated are
true of his own knowledge, except as to those matters therein
stated on information and belief, and as to those matters he be-
lieves them to be true.


George Yanich, Jr.

Subscribed and Sworn to before me this 17th day of
April, 1972.


Notary Public

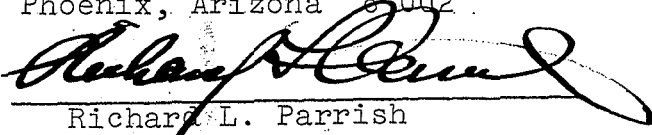
My commission expires:

3/9/76

LAW OFFICES
LEWIS & ROCA
ONE FOURTEEN WEST ADAMS STREET
PHOENIX, ARIZONA 85003
TELEPHONE 262-5311

Copies of the foregoing mailed
this 19 day of April, 1972,
to:

WILLIAM P. DIXON, ESQ.
Assistant Attorney General
Arizona State Capitol
Phoenix, Arizona 85002


Richard L. Parrish