

88 S.Ct. 994
Supreme Court of the United States

Frank LEE, Commissioner of Corrections of
Alabama et al., Appellants,
v.
Caliph WASHINGTON et al.

No. 75. | Argued Nov. 7, 1967. | Decided March 11,
1968.

Action for declaratory and injunctive relief concerning racial segregation in state penal system and in county, city and town jails. A three-judge United States District Court for the Middle District of Alabama, Northern Division, 263 F.Supp. 327, entered decree declaring statutes unconstitutional and there was an appeal. The Supreme Court held that Alabama statutes requiring segregation of races in prisons and jails are unconstitutional as a violation of Fourteenth Amendment, and that orders directing desegregation were not invalid on ground that they failed to make an allowance for necessities of prison security and discipline.

Affirmed.

Attorneys and Law Firms

****994 *333** Nicholas S. Hare, for appellants.

Charles Morgan, Jr., for appellees.

Opinion

PER CURIAM.

[1] [2] [3] This appeal challenges a decree of a three-judge

District Court declaring that certain Alabama statutes violate the Fourteenth Amendment to the extent that they require segregation of the races in prisons and jails, and establishing a schedule for desegregation of these institutions. The State's contentions that Rule 23 of the Federal Rules of Civil Procedure, which relates to class actions, was violated in this case and that the challenged statutes are not unconstitutional are without merit. The remaining contention of the State is that the specific orders directing desegregation of prisons and ***334** jails make no allowance for the necessities of prison security and discipline, but we do not so read the 'Order, Judgment and Decree' of the District Court, which when read as a whole we find unexceptionable.

The judgment is affirmed.

Mr. Justice BLACK, Mr. Justice HARLAN, and Mr. Justice STEWART, concurring.

****995** In joining the opinion of the Court, we wish to make explicit something that is left to be gathered only by implication from the Court's opinions. This is that prison authorities have the right, acting in good faith and in particularized circumstances, to take into account racial tensions in maintaining security, discipline, and good order in prisons and jails. We are unwilling to assume that state or local prison authorities might mistakenly regard such an explicit pronouncement as evincing any dilution of this Court's firm commitment to the Fourteenth Amendment's prohibition of racial discrimination.

Parallel Citations

88 S.Ct. 994, 19 L.Ed.2d 1212