



JI-FL-0001-0011

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

FILED

WILLIE CARL SINGLETON, a minor :
by NEVA SINGLETON, his mother
and next friend, et al.,

Plaintiffs,

vs.

BOARD OF COMMISSIONERS OF STATE
INSTITUTIONS, et al.,

Defendants.

TALLAHASSEE CIVIL ACTION
No. 963

OCT 6 1966
OFFICE OF CLERK
U. S. DISTRICT COURT
NORTH. DIST. FLA.

PRE-TRIAL ORDER

This cause came on to be heard on certain pending motions, and counsel for the respective parties were present and heard. The initial matter brought to the attention of the Court was the objection of the State to a number of interrogatories propounded by the plaintiffs. The Court notes at the outset that while these interrogatories, and the answers sought to be elicited thereby, may become pertinent, at the present status of the case they seem irrelevant and immaterial, and may well remain so.

A look at the pleadings is indicated, and informative. While there are certain pro forma modifications necessary to clarify the proper parties defendant, the thrust of the complaint of these plaintiffs is to bring about a racially non-discriminatory policy and operation of the corrective institution under their control. Examination of the defendants'

answer states that the State has, since the institution of this suit and continuing to this date, sought to bring about a non-segregated operation of all of the institutions under the control of these defendants. The answer attaches as Exhibit "A" what purports to be a general plan which would bring about complete desegregation of all facilities under the control of these defendants on or before July 1, 1967. The hearing scheduled today did not encompass consideration of a "plan" on its merits. Counsel for neither party is prepared at this time to formally submit a plan or to make any specific objections thereto. Without specific objection of counsel, therefore, the Court concludes that this hearing can best be considered as a preliminary pre-trial conference, that the status of the litigation be noted, and basic rulings of law be determined from the record in its present posture.

First, it is clear that "it is no longer open to question that a State may not constitutionally require segregation of public facilities." Johnson v. Virginia, 1963, 373 U.S. 61, 62, 83 S.Ct. 1053, 10 L.Ed. 2d 195. Therefore, insofar as Section 955.12, Florida Statutes, requires that white and Negro inmates be housed in separate buildings, as stated in paragraph 5 of the defendants' answer, such statute is null and void as being violative of the Constitution of the United States. It follows, of course, that any policies or practices carried out under this statute requiring segregation by race are without legal status, and must be eliminated at the earliest practicable date.

The Court concludes that the suggestion of the State that the actual operation of a plan of desegregation of all facilities under the control of these defendants be accomplished by July 1, 1967 is reasonable, and with this as an ultimate goal and schedule, upon consideration, it is, hereby

ORDERED:

1. The defendant shall file with the Court, with copy to opposing counsel, on or before December 5, 1966, a proposed plan for the desegregation of all the facilities under the control of said defendants to be accomplished on or before July 1, 1967.

2. Counsel for plaintiffs shall file such response or objections thereto with the Court, with copy to opposing counsel, on or before January 5, 1967.

3. Thereafter, hearing will be held on the merits of the proposed plan and an order will be entered by the Court establishing a final and formal plan bringing about the desegregation of all facilities under the control of these defendants on or before July 1, 1967. This hearing will be scheduled in late January or early February 1967 pursuant to more specific notice from the Court at least two weeks prior thereto.

4. The State's objection to all interrogatories propounded as of this date are at this time SUSTAINED, with leave, however, to the plaintiffs to renew demand for answers thereto subsequently, in the light of the proposed plan as submitted by the State on or before December 5, 1966.

5. Motion ore tenus of the State to dismiss certain individuals named as defendants in the complaint is well taken in that subject individuals have no overall supervision of policies of the defendant Board of Commissioners of State Institutions. Therefore, the following named defendants are hereby dismissed as parties to this action: W. D. Rogers, H. G. Cochran, Jr., L. L. Wainwright, Arthur G. Dozier, Terry C. Lee and Mrs. Lula Mullikin.

6. The proper parties defendant to this action are the individuals who constitute the Board of Commissioners of State Institutions of the State of Florida, i.e., Haydon Burns, Governor; Tom Adams, Secretary of State; Earl Faircloth, Attorney General; Fred O. Dickinson, Comptroller; Broward Williams, Treasurer; Floyd T. Christian, Superintendent of Public Instruction; and Doyle Conner, Commissioner of Agriculture, or their duly qualified successors during the pendency of this litigation. The Attorney General expressly waives any objection to service with respect to any of these individuals.

7. The Court expressly retains jurisdiction of this cause for the entry of further orders as deemed necessary.

DONE AND ORDERED in Chambers at Tallahassee this 5th day of October 1966.



G. HARROLD CARSWELL
United States District Judge