



PC-AL-020-008

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FILED

JUN 14 1966

R. C. DOBSON, CLERK

By.....
Deputy Clerk

CALIPH WASHINGTON, et al.,)	
)	
Plaintiffs)	
)	CIVIL ACTION
vs.)	
)	NO. 2350-N
)	
FRANK LEE, et al.,)	
)	
Defendants)	

ANSWER OF DEFENDANT FRANK LEE, AS COMMISSIONER OF CORRECTIONS OF ALABAMA; AND OTHER DEFENDANTS, AS MEMBERS OF THE BOARD OF CORRECTIONS OF ALABAMA

Now comes the defendants, Frank Lee, as Commissioner of Corrections of Alabama; John F. Britton; Charlie Cashion; Herschell Luttrell; Dr. Max McLaughlin; and William Mitch, as Members of the Board of Corrections of Alabama, and for answer to the Complaint say as follows:

1. The allegations of Paragraphs 1, 2, 8, 10, 12, 13, and 14 of the Bill of Complaint are denied.
2. There is nothing for these defendants to answer in Paragraphs 9 and 11 of the Bill of Complaint.
3. The allegations of Paragraphs 4, 5, 6 and 7 are admitted.
4. Defendants are not sufficiently informed as to the alleged facts as to other places and other defendants to answer Paragraph 3 of the Complaint, but denies, as to those under their jurisdiction and authority, that the persons named in Paragraph 3 have been incarcerated in or under unconstitutional racially segregated circumstances.

FIRST DEFENSE

These defendants aver that although analogies to instances of previous judicial intervention to prevent racial discrimination in schools, housing, recreational facilities, and employment may seem at first inviting, upon careful scrutiny one should be convinced that the differences between these areas and prisons are far more significant than are the similarities; the association between men in correctional institutions is closer and more fraught with physical danger and psychological pressures than is almost any other kind of association between human beings. Moreover, a great many of the inmates of correctional institutions are dangerous men, and those charged with supervising them understandably have less confidence in their ability to adapt peacefully to changed social conditions than one would have in men who reside in society at large; that the operation of penal institutions is a highly specialized endeavor and the sober judgment of experienced correctional personnel deserves the most careful consideration by this court; that any separation of the races in the systems under defendants' jurisdiction has in good faith been based upon the above facts and not because of any unconstitutional deprivation of any rights because of alleged discrimination on account of race or color.

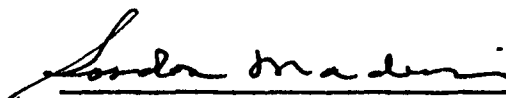
SECOND DEFENSE

That the statutes of the State of Alabama set forth in the complaint can be given a field of operation, or can be construed by this court so as not to offend any provisions of the United States Constitution, for separation of the races

when related to convicts and prisons, their health, safety and welfare can legally be made under certain circumstances without violating any provisions of the United States Constitution.



RICHMOND M. FLOWERS, As
Attorney General of the
State of Alabama




GORDON MADISON, As
Assistant Attorney General of the
State of Alabama

Attorneys for said defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing Answer has been served upon Honorable Charles Morgan, Jr., 5 Forsyth Street, N. W., Atlanta, Georgia; Honorable Orzell Billingsley, Jr., 1630 Fourth Avenue, North, Birmingham, Alabama; and Honorable Melvin L. Wulf, 156 Fifth Avenue, New York, New York, by placing a copy of same to each in the United States mail, postage prepaid (airmail where necessary), to above addresses, on this the ¹⁴~~14~~ day of June, 1966.



GORDON MADISON, As
Assistant Attorney General of the
State of Alabama