

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE  
DISTRICT OF ALABAMA, EASTERN DIVISION

FILED

FEB 10 1964

C. DOBSON, CLERK

DRS

ANTHONY T. LEE, et al,  
Plaintiffs,

vs

MACON COUNTY BOARD OF  
EDUCATION, et al,  
Defendants.

CIVIL ACTION NO. 604-E

ANSWER

Comes defendant, Macon Academy, and answers the complaint, as amended, heretofore filed in this cause by the Plaintiffs:

I

For answer to paragraphs numbered I, II, III, IV, V, VI, VII, VIII, IX, X and XI of the original complaint, defendant, Macon Academy, alleges that it neither admits nor denies any of the allegations therein, as none of the allegations refer to or relate to defendant, Macon Academy.

II

(A) As to paragraphs numbered I, II, III and IV of the first amendment to the said complaint of Plaintiffs filed February 3, 1964, defendant, Macon Academy, neither admits nor denies any of the allegations therein, as none of the allegations refer to or relate to defendant, Macon Academy.

(B) For answer to paragraph numbered V of the complaint as amended February 3, 1964, defendant, Macon Academy, admits subparagraph 8 but alleges that said contributions were unofficial, voluntary contributions from individuals and did not come from public funds. Defendant, Macon Academy, alleges further that no funds have been received from the State of Alabama, or from any subdivision thereof; and as for answer to the other allegations in said paragraph V and other subparagraphs, defendant, Macon Academy, neither admits nor denies said allegations as said allegations do not refer or relate to defendant, Macon Academy.

(C) And for answer to paragraphs VI and VII defendant, Macon Academy, neither admits nor denies the allegations therein as the said allegations do not refer to or relate to Macon Academy; but defendant, Macon Academy, denies that any State funds or funds of any subdivision of the State of Alabama have been transferred to, or received by, defendant, Macon Academy, and denies that any Macon County school busses, or any transportation provided by the State of Alabama, has been furnished to or received by defendant, Macon Academy.

III

And defendant, Macon Academy, denies all of the other allegations separately and severally of the complaint as last amended, and defendant, Macon Academy, alleges that it is a bona fide private school, and that it has no connection with the State of Alabama or the State Public School System and does not receive aid, service or support, directly or indirectly, from the State of Alabama or any political subdivision thereof, and that it is not owned by, controlled by, or a part of the State of Alabama or any political subdivision thereof.

GALLION & HARE, ATTORNEYS

by WacDonald Gallion

I, WacDonald Gallion, one of the Attorneys of Record for Macon Academy, hereby certify that I have on this date served a copy of the foregoing on Hon. John Doar, Attorney for the Justice Department, by leaving a copy for him with the Clerk of this Court; Hon. Richmond M. Flowers, Attorney General for the State of Alabama, by mailing a copy to him at his office in the Administration Building, Montgomery, Alabama, postage prepaid; and upon Goodwyn & Smith, Attorneys for the State Board of Education, by mailing a copy to them at their office in the Bell Building, Montgomery, Alabama, postage prepaid; and upon Fred D. Gray, Attorney for Plaintiffs by mailing a copy to him at his office at 34 North Perry Street, Montgomery, Alabama, postage prepaid.

This the 10<sup>th</sup> day of October, 1964.