

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

FILED

OCT 10 1967

ANTHONY T. LEE, et al., )  
 )  
 Plaintiffs, )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Plaintiff-Intervenor and )  
 Amicus Curiae, )  
 )  
 ALABAMA STATE TEACHERS ASSOCIATION, INC., )  
 )  
 Intervening Plaintiff, )  
 )  
 vs. )  
 )  
 LURLEEN BURNS WALLACE, in her capacity as Gov- )  
 ernor of the State of Alabama, and as President )  
 of Alabama State Board of Education; ERNEST )  
 STONE, Secretary and Executive Officer of Alabama )  
 State Board of Education, et al., )  
 )  
 Defendants. )  
 )

R. C. DOBSON, CLERK  
 By: *JRS*  
 Deputy Clerk

CIVIL ACTION  
 NO. 604-E

ANSWER OF DEFENDANTS LURLEEN BURNS WALLACE, IN HER CAPACITY AS GOVERNOR OF THE STATE OF ALABAMA AND AS PRESIDENT OF THE ALABAMA STATE BOARD OF EDUCATION; AND ERNEST STONE, STATE SUPERINTENDENT OF EDUCATION AND SECRETARY AND EXECUTIVE OFFICER OF THE ALABAMA STATE BOARD OF EDUCATION

Now come the above named defendants and for answer to the complaint of Alabama State Teachers Association, Inc., heretofore filed in this cause, say as follows:

1. The said defendants admit the allegations of paragraphs 1, 2, 3, 4, and 5 of the bill of complaint.

FIRST DEFENSE

The said defendants deny the allegations of paragraphs 6, 7, 8, 9, and 10 of the bill of complaint.

## SECOND DEFENSE

The defendants deny that the Alabama State Teachers Association, Inc., has any legal right to file this complaint in intervention referred to in paragraph one of the complaint, and denies that said Alabama State Teachers Association, Inc., has any legal right to adopt each of the material allegations of the original complaint.


## THIRD DEFENSE

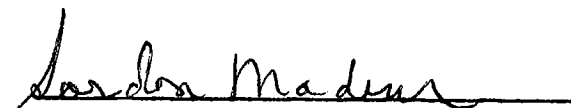
These said defendants are informed and believe, and on such information and belief allege that the several local school boards, which have closed substandard Negro schools, have not in any manner violated any of the constitutional rights of any Negro teacher who has taught in said closed schools and have committed no act or acts of any kind with reference to said Negro teachers which is contrary to this court's order of March 22, 1967, or any other order of this court, but to the contrary, the said local school boards have acted without any discrimination on account of race or color, and in accordance with the order of this court heretofore made.

## FOURTH DEFENSE

The said defendants aver that the complaint in intervention filed by Alabama State Teachers Association, Inc., is wholly and completely without merit; that no facts exist which will substantiate any of the material allegations thereof; that the same was brought without any investigation of the real or true facts; that upon final hearing of this cause the fact that said suit is groundless will be established by overwhelming proof, and in such event, these defendants pray that the costs incurred in connection with this suit in intervention be taxed against the Alabama State Teachers Association, Inc.,

and the attorney, or the attorneys, one or both, who brought the suit.

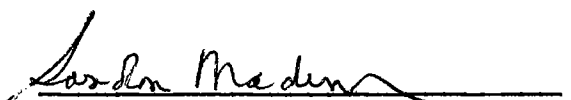
  
MacDONALD GALLION, As  
Attorney General of Alabama

  
GORDON MADISON, As Assistant  
Attorney General of Alabama

Attorneys for said defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 10th day of October, 1967, I served a copy of the above and foregoing Answer upon Gray & Seay, Attorneys, 352 Dexter Avenue, Montgomery, Alabama, 36104; Honorable John Doar, Assistant Attorney General, Civil Rights Division, United States Department of Justice, Washington, D. C.; and Honorable Ben Hardeman, United States Attorney, P. O. Box 197, Montgomery, Alabama, Attorneys for Alabama State Teachers Association, Inc., and for United States of America, respectively, by placing same in the United States mail, postage prepaid and properly addressed.

  
GORDON MADISON, As Assistant  
Attorney General of Alabama