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the same force and effect as if full compliance had been had with all laws and rules of Court relating to the taking of depositions.

IT IS FURTHER STIPULATED AND AGREED that it shall not be necessary for any objections to be made by counsel to any questions, except as to form or leading questions, and that counsel for the parties may make objections and assign grounds at the time of trial, or at the time said deposition is offered in evidence, or prior thereto.

IT IS FURTHER STIPULATED AND AGREED that notice of filing of the deposition by the Commissioner is waived.

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

ANTHONY T. LEE, ET AL,)
)
) PLAINTIFFS,)
)
) UNITED STATES OF AMERICA,)
)
) PLAINTIFF-INTERVENOR)
) AND AMICUS CURIAE,) CIVIL ACTION NO. 604-E
)
) V.)
)
) MACON COUNTY BOARD OF EDU-)
) CATION, ET AL,)
)
) DEFENDANTS.) Montgomery, Alabama
) February 28, 1968

BEFORE:

Thomas E. Dempsey, Commissioner.

APPEARANCES:

Mr. Fred D. Gray, Attorney at Law, of the
firm of Gray, Seay, Langford & Pryor, 352 Dexter
Street, Montgomery, Alabama, appearing for the
Plaintiff, Anthony T. Lee.

Mr. Charles Quaintance, Attorney at Law,
U. S. Department of Justice, Civil Rights Division,
Post Office Box 731, Selma, Alabama, appearing for
the Plaintiff-Intervenor and Amicus Curiae, United

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States of America.

Messrs. Maury Smith and T. W. Thagard, Jr.,
Attorneys at Law, of the firm of Goodwyn, Smith &
Bowman, 325 Bell Building, Montgomery, Alabama, and
Mr. Oakley W. Melton, Jr., Attorney at Law, Room
1201 Bell Building, Montgomery, Alabama, and Mr.
Gordon Madison, Assistant Attorney General, State
Capitol Building, Montgomery, Alabama, appearing
for the Defendants.

I N D E X

| <u>EXAMINATION BY:</u> | <u>PAGE NO.:</u> |
|------------------------|------------------|
| Mr. Smith | 5 - 26 |
| Mr. Quaintance | 26 - 29 |
| Mr. Gray | 29 - 30 |

1 Q And of this number, approximately how many
2 Negro students?

3 A 282.

4 Q Do you know the approximate enrollment of
5 the other high schools within the City of Hunts-
6 ville?

7 A Well, not varying a hundred, more or less,
8 of each other school.

9 Q Are the other two schools predominantly
10 white or predominantly Negro?

11 A Predominantly white.

12 Q Is there any school within the City of
13 Huntsville that is predominantly Negro?

14 A No.

15 Q Now in the operations of your athletic
16 program, are you under the control and direction
17 of the City Board of Education or State Board of
18 Education or how is it operated?

19 A Well, I work under my principal, and then
20 my principal, of course, has his responsibilities
21 toward the City Superintendent.

22 Q Who directs the athletic affairs of this
23 school?

1 A The coach and principal, the head football coach
2 and our principal.

3 Q Who determines the scheduling of athletic
4 events?

5 A The same, head coach and principal.

6 Q Has your Board of Education ever directed
7 or restricted you as athletic director and coach
8 in the scheduling of athletic events?

9 A No.

10 Q Has your Board of Education or any member
11 of it or your superintendent of education ever pro-
12 hibited you or directed you to schedule any particular
13 athletic event?

14 A No.

15 Q How long have you been in athletics, Coach?

16 A I have been coaching sixteen years.

17 Q And in college you participated in athletics?

18 A That's right.

19 Q Well since you have been in the coaching
20 profession, has any school authority other than
21 those connected directly with athletics compelled
22 or restricted the scheduling of athletic events?

23 A No.

1 Q And so then it would be a fair statement
2 to say historically -- at least to the extent of
3 your personal involvement, that those in charge
4 with the direction of the athletic program have
5 been given the responsibility of scheduling the
6 athletic events?

7 A That's right.

8 Q Now is your athletic program at Butler
9 an integrated program?

10 A Yes.

11 Q Have Negro athletes been permitted to par-
12 ticipate freely in this athletic program?

13 A Yes, sir.

14 Q Have you competed against other schools
15 who have integrated athletics?

16 A Yes, sir.

17 Q Could you give the Court your opinion or
18 some estimate as to the number of schools that
19 you compete against that have integrated athletics?

20 A About six or seven -- I would say eight of
21 the high schools that we play in football.

22 Q And you play a schedule of ten?

23 A Ten games.

1 Q So this would be eighty per cent?

2 A Yes, sir.

3 Q Now to what extent have Negro athletes
4 participated in your Butler High School athletic
5 program?

6 A Well, they play a major role in our ath-
7 letic program. See, Council High was done away
8 with, and Butler High got the majority of these
9 students, which was probably 300 -- in the neigh-
10 borhood of 300.

11 Q When was Council High School closed?

12 A Year before last. This is our second
13 year.

14 Q Was this by the order of the City Board
15 of Education?

T2/S2 16 A I believe so.

17 Q And those students were absorbed within
18 the system?

19 A That's right.

20 Q And this has been a source of many of
21 your Negro athletes?

22 A That's right.

23 Q Now let's talk about particular sports.

1 To what extent have the Negro athletes participated
2 in basketball, which is presently under way?

3 A Well, I believe last year we could have
4 put five out there at a time. This year three of
5 our starters are colored boys. I believe we have
6 one or two more on the bench. We have about eight
7 in our basketball program right now.

8 Q How many athletes, Negro and white, compete
9 in your basketball program?

10 A About 25.

11 Q And of this number, eight are Negro?

12 A About that many, approximately.

13 Q What about your football program in spring
14 training, how many Negro athletes do you expect,
15 and when do you commence spring training?

16 A Well, I will be in next week. We plan to
17 work about six boys with our varsity. And I really
18 don't know about the B team. Probably be ten,
19 twelve, something like that, in that neighborhood.

20 Q So you would have a total of say sixteen
21 to eighteen Negro athletes?

22 A Something like that to start with. We don't
23 know how many will stay. And of course we don't

1 know how many will stay of any of them when we
2 start our spring training.

3 Q Have you, in the capacity as coach and
4 athletic director, encouraged the Negroes to
5 participate in the athletics?

6 A Yes, sir.

7 Q How have you done this, Coach?

8 A Well, when they did away with Council High,
9 I went and talked to their coach, and he recommended
10 certain boys. We talked to the Negro junior high
11 school, and told them what time we would have
12 spring training, and helped arrange transportation
13 to get them over to practice. We have a wonderful
14 working agreement with them. Our Negro athletes --
15 this is what has happened at our school. Last
16 year one was -- we have permanent captains of our
17 football team. One was named as one of our perma-
18 nent captains. This year a boy liked two votes
19 being named a permanent captain. One was captain
20 of our track team and another was co-captain of our
21 track team. I had about four on our baseball squad.
22 You know year before last, I believe Treadwell was
23 the first Negro to play in our state tournament.

1 He was runner-up for most valuable player. Now
2 when he comes back to our school, Danny will help
3 us get more, because he always comes back and
4 visits the school when he comes back to town,
5 and talks to other boys in different neighbor-
6 hoods here and yonder. So we have a wonderful
7 working agreement with them. And our seniors, I
8 think, I guess we would have probably five or
9 six hundred senior students, and a colored boy
10 was elected most athletic. Our colored girl on
11 our gymnastic team last year was selected as
12 most athletic. This year we have a colored boy
13 selected as most athletic. And in our school we
14 have a wonderful working agreement.

15 Q How has the Butler student body accepted
16 the innovation of athletes?

17 A Wonderful. We always, you know, during
18 football season you have pep rallies and of course
19 we introduce our boys. Of course one of our
20 colored athletes was the best athlete we had.
21 Naturally he always got the most praise and loudest
22 applause, longest applause, this, that and the other.
23 So I think they have accepted them wonderfully.

1 Q Do you think the athletes have helped
2 other students adjust within the school system?

3 A Yes, sir, I think so.

4 Q Has there been any evidence of this --
5 anything that you can cite to the Court that
6 may be an example of this?

7 A Well, our athletic program, we will take
8 up our wrestling. We have some good boys on our
9 wrestling team. We had one place third in the
10 state this year, and the first Negro athlete that
11 has ever placed. Probably if he had a year's ex-
12 perience, he might have won it. It was just
13 our first year of wrestling. I think all these
14 boys being involved in our athletics, and we have
15 colored girls on the gymnastic team, and this,
16 that and the other, it is helping a lot of other
17 kids as far as adjusting. They are part of our
18 school. They are part of our community.

19 Q Has the integration of athletics in your
20 high school had any effect on the spirit, so to
21 speak, of the community in regard to the freedom
22 of choice plan, and the integration of your school
23 facilities?

1 A I really don't know that. See, my first
2 year I went there this happened. So I don't know
3 how it was before I got there. I know that we
4 have had a mighty fine athletic program, since
5 we have lost about three football games out of
6 twenty-two.

7 Q Out of twenty-two?

8 A We won the TV championship in baseball.
9 We won it in wrestling. We won it in basketball.
10 We have got a wonderful spirit right now. I don't
11 know how it was in the years past.

12 Q Can you state to the Court approximately
13 or exactly, if you know, the number of athletes
14 participating in your overall program?

15 A No, I don't keep up with that. I really
16 don't know, you know how it is in your athletic
17 program. You have kids coming and going. I
18 know on our varsity basketball we have always
19 had three this year and part of the time four.
20 Our varsity football we had four. We started
21 three of them. In baseball I had three. In
22 track last year we were undefeated in track. We
23 had about approximately eight. Our wrestling team

1 we had one to make the first fourteen. You have
2 fourteen places on the wrestling team. And we've
3 got some young kids coming up that will whip some-
4 body next year. I don't know how many we have
5 got there. Approximately four or five. Probably
6 two or three of them will make the top fourteen
7 boys next year.

8 Q Now, Coach, have you treated the Negro
9 athlete different in any manner to the white ath-
10 lete?

11 A No. It has been all the same. It is
12 dog eat dog in athletics, that is what it is.

13 Q And your athletic program is completely
14 voluntary on the part of the student participation?

15 A Yes, that's right.

16 Q Now have you in any way been interfered
17 with by any state official or county or city
18 official?

19 A No.

20 Q As to the integration of your athletic pro-
21 gram?

22 A No, sir.

23 Q Are you familiar as a teacher and as a

1 coach and athletic director with the operation of
2 the freedom of choice plan?

3 A Not fully.

4 Q What is your understanding of the freedom
5 of choice plan?

6 A The way I understand it, a boy can choose
7 the school that he wants to go to.

8 Q And his race makes no difference?

9 A That's right.

10 Q In the acceptance of the institution
11 that he applies for?

12 A That's right.

13 Q Has your athletic program in your opinion
14 in any way deterred Negro pupils from choosing the
15 Butler High School?

16 A No. I think it has encouraged them. We
17 know kids right now that is in the eighth grade
18 that we want to come to our school.

19 Q What problems, if any, have you encountered
20 in the integration of your athletic program?

21 A Nothing other than just the same old rou-
22 tine, trying to keep all kids eligible, and keep
23 them in school, and absentees, and just keep them

1 in good working condition with teachers. And a
2 lot of things like that which is the same as it
3 was ten years ago as it is today.

4 Q Do your other athletes accept them for
5 their ability?

6 A Yes, sir.

7 Q Have the spectators accepted them?

8 A That's right.

9 Q Have you encountered any difficulty in
10 restaurants or motels or hotel facilities?

11 A One time in two years, it was a very minor
12 thing. It could have happened with anyone.

13 Q Would you say that the integration of your
14 athletic program has been for all practical purposes
15 without incident of any type?

16 A That's right.

17 Q Now are there schools within your area that
18 are predominantly Negro?

19 A There is one more Negro school in Madison
20 County, Council Training, that I understand that it
21 will be done away with within the near future. It
22 is out close there to A & M. There will be another
23 new high school built in not too far from that, which

1 will be in the city. And it will probably be
2 absorbed into Lee High and this high school.
3 That is the plan that I have heard. So I don't
4 know.

5 Q How is your athletic program supported
6 financially?

7 A What we take in at the gate, I guess.
8 But our City Board of Education there or it comes
9 from the City, gives each team fourteen thousand
10 dollars to operate on. And we run our athletic
11 program on that.

12 Q And your proceeds go into the City?

13 A That's right. Every athletic contest we
14 have, they take the money. Of course if we don't
15 make no money, we probably won't get none the next
16 year. They will cut us off some. So it is approxi-
17 mately the same as to other schools.that I have
18 been in. You have got to make money if you keep
19 spending money. So it is just more or less, if
20 we win a few, two or three years, we ask for more
21 money. If we lose, we probably run in the back
22 alleys and hide.

23 Q Coach, what things do you take into con-

1 sideration in scheduling an athletic event?

2 A Well, there are several factors that we
3 try to consider. To tell you the truth, we like
4 to beat somebody, No. 1, most coaches are that
5 way. Of course you have got to buy those uni-
6 forms. The finances is another thing. Probably
7 what kind of rivalry would this be if you were
8 playing? What kind of game would it be? What
9 kind of an attraction would it be? There are
10 several things there. My principal -- we talk
11 about it sometimes when we get an opening on our
12 schedule, we will call a school and talk to them.
13 And we have a conference about what we feel like,
14 what kind of drawing we would have, or what kind
15 of rivalry would it be, or would it be a worthwhile
16 contract. We think that our school would benefit.
17 We think that we consider the welfare of our ath-
18 letes. We don't want to be overpowered or we
19 would be playing Lanier down here this year if
20 we thought we would beat them, we would play them.
21 And when the first year I think I can beat them,
22 I am going to call him up.

23 Q Do you think that you as coach and athletic

1 A I don't think it would be safe.

2 Q Would it be harmful to the good will that
3 you have apparently built up in your community
4 through athletics?

5 A I believe it would destroy our program.
6 I think that -- I am sure the good colored athletes
7 that I have right now, if we were to play, would
8 go back to their school. Hell, the mammas and
9 daddies wouldn't let them come over there and play
10 for me and beat them, I don't think. So I think
11 that would just separate us more and more. Instead
12 of an athletic contest, you go back for an issue,
13 I think, or something like that.

14 Q Have you had any experience within your
15 own Butler High School competing of athletes of
16 one race against athletes of another?

17 A State the question again, please.

18 Q Have you had any experience within your
19 own Butler High School of competing athletes of
20 one race against athletes of another?

21 A Yes, in our PE class. Of course when this
22 first happened, we more or less give them a choice
23 of choosing sides, you know, for instance in basket-

1 wholesome.

2 Q Now why wouldn't it be?

3 A Well, I think instead of trying to win or
4 trying to prove a score, we are trying to prove
5 what race is best is my opinion.

6 Q And if this event came about, you think it
7 would be harmful to the program which you have
8 started in your school?

9 A Yes, sir.

10 MR. SMITH: You can take the witness.

11 EXAMINATION BY MR. QUAINANCE:

12
13 Q What sports do you have there at Butler High
14 School?

15 A We have football, basketball, baseball,
16 track, golf, wrestling and we have a swimming team,
17 and the girls' gymnastic team. About the only
18 thing the girls -- well, we have some girls on the
19 swimming team.

20 Q All your teams compete only with teams from
21 other traditionally white schools, do they not?

22 A That's right.

23 Q What sports does Council Training School

1 A Not just in a regularly scheduled game.

2 Q You don't know about Nashville, about the
3 city --

4 A I know the kid that plays with Vanderbilt.

5 Q You know about the city conference?

6 A They are the ones that beat everybody up
7 there last year.

8 Q Isn't it a fact that they are in the city
9 conference with traditionally white schools, and
10 they play a round robin schedule?

11 A I didn't know that. I thought it was just
12 a playoff.

13 Q Are you familiar with A & M's schedule?

14 A No, sir. I do go out to A & M and talk to
15 Coach Crews a lot about football, and we have a
16 little chalk talk a lot out there.

17 Q Do you know what teams he plays?

18 A Yes, I see some of the games there, usually
19 on weekends.

20 Q Does he play games against traditionally
21 white schools?

22 A No, sir.

23 Q Do you belong to any conferences?

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MAR 19 1968

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.
MONTGOMERY, ALA.

WAIVER

I hereby waive the reading, examination, and signing of the deposition I gave in the case of Lee v. Macon County Board of Education on February 29, 1968, in Montgomery, Alabama. I am signing this waiver voluntarily and with knowledge that I have the right to read and examine the deposition and make corrections before signing it.

John L. Meadows

March 18, 1968

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604-E

U.S. Dist. Court - Middle Dist. - Ala.

Government's Exh. 18

3-9-68