

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

ANTHONY T. LEE and HENRY A. LEE,)
 by Detroit Lee and Hattie M. Lee,)
 their parents and next friends;)
 PALMER SULLINS, JR., ALAN D. SULLINS)
 and MARGA MARIE SULLINS, by Palmer)
 Sullins and Della D. Sullins, their)
 parents and next friends; GERALD)
 WARREN BILLES and NELOISE BLAINE)
 BILLES, by I. V. Billes, their father)
 and next friend; WILLIE M. JACKSON,)
 JR., by Habel H. Jackson, his mother and)
 next friend; WILLIE S. WYATT, JR., and)
 BERENA J. WYATT, by Willie S. Wyatt and)
 Thelma A. Wyatt, their parents and next)
 friends; NELSON W. BOGGAN, JR., by)
 Nelson Boggan, Sr., and Mamie Boggan,)
 his parents and next friends; WILLIE C.)
 JOHNSON, JR., BERENA FAYE JOHNSON and)
 DWIGHT W. JOHNSON, by Willie C. Johnson)
 and Ruth Johnson, their parents and)
 next friends, and WILLIAM H. MOORE and)
 EDWENA H. MOORE, by L. James Moore and)
 Edna H. Moore, their parents and next)
 friends,)

Plaintiffs,)

vs.)

MACON COUNTY BOARD OF EDUCATION (Willey)
 D. Ogletree, Chairman, Madison Davis,)
 John M. Davis, Harry D. Rapson and)
 F. E. Guthrie) and C. A. PHIBBY,)
 Superintendent of Schools of Macon County,)
 Alabama,)

Defendants.)

FILED

JUL 16 1955

R. C. DOSSON
Clerk

By
Deputy Clerk

CIVIL ACTION NO. 604-E

ORDER APPOINTING AND DESIGNATING THE
UNITED STATES OF AMERICA AS PARTY

In this proceeding the plaintiffs, in their own behalf and in behalf of other Negro children and their parents similarly situated, seek to have this Court enjoin the Board of Education of Macon County, Alabama, and the Superintendent of Schools of Macon County, Alabama, from continuing a policy, practice, custom and usage of maintaining and operating a compulsory biracial school system in Macon County, Alabama, and assigning school children, including the plaintiffs, on the basis of race. In addition, and among other things, plaintiffs ask this Court to make and enter the necessary orders assuring their constitutional right and the constitutional right of other members of their race and class to attend the public schools of Macon County, Alabama, without being discriminated against on account of their race and color.

Upon consideration of the foregoing, this Court is of the opinion that the public interest in the administration of justice, of law and order, and of protecting the authority and integrity of the lawfully constituted courts of the United States should be represented in these proceedings. To this end, this Court is of the opinion that it is now appropriate and necessary that the United States be designated to appear and participate in all proceedings in this action before this Court, to accord this Court the benefit of its views and recommendations, with the right to submit pleadings, evidence, arguments and briefs, and to participate actively as a party in every phase of said proceedings, including the right to initiate such further proceedings for injunctive relief and for contempt of court that may be necessary and appropriate in order to maintain and preserve the due administration of justice and the integrity of the judicial authority of the United States of America. Faubus v. United States, 8th Cir., 1958, 254 F. 2d 797; cert. denied 358 U.S. 829; Bush, et al. v. Orleans Parish School Board, et al., 188 F. Supp. 916; affirmed 365 U.S. 569; Bush, et al. v. Orleans Parish School Board, et al., 190 F. Supp. 861; affirmed 366 U.S. 212; United States v. Barnett, 5th Cir., 1962; _____ F. 2d _____.

In accordance with the foregoing and for good cause, it is the ORDER, JUDGMENT and DECREE of this Court that the United States of America be and is hereby designated to appear and participate in all proceedings in this action before this Court as a party thereto. It is the further ORDER, JUDGMENT and DECREE of this Court that the Attorney General of the United States, and such attorneys in the Department of Justice as he may designate, be and he is hereby appointed to appear and participate in behalf of the United States in this action before this Court.

Done, this the 16th day of July, 1963.

FRANK M. JOHNSON, JR.

UNITED STATES DISTRICT JUDGE