



JI-FL-0001-0005

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

FILED

WILLIE CARL SINGLETON, a minor)
 by NEVA SINGLETON, his mother)
 and next friend, et al.,)
 Plaintiffs,)
 -vs-)
 BOARD OF COMMISSIONERS OF)
 STATE INSTITUTIONS, et al.,)
 Defendants.)

AUG 18 1966

OFFICE OF CLERK
U. S. DISTRICT COURT
NORTH DIST. FLA.

TALLAHASSEE CIVIL ACTION
NO. 963

A N S W E R

Comes now the Board of Commissioners of State Institutions by and through their undersigned attorneys, answering the Complaint filed herein and states:

1. Answering paragraph I, Defendant is without knowledge of the allegations of the said paragraph and accordingly denies the said allegations.
2. Answering paragraph II, the Defendant admits that Plaintiffs are proceeding for a preliminary and permanent injunction against the Defendant; however, the Defendant specifically denies the remaining allegations of said paragraph.
3. Answering paragraph III, the Defendant admits the allegations of the paragraph naming the parties instituting the instant proceeding; Defendant is however without knowledge of the remaining allegations of said paragraph and accordingly specifically denies the same.
4. Answering paragraph IV, Defendant admits that the Board of Commissioners of State Institutions is a state agency having jurisdiction over the Division of Child Training

Schools; Defendant however denies the remaining allegations of said paragraph purportedly and erroneously naming the members of the said Defendant agency.

5. Answering paragraph V, Defendant admits that Section 955.12, Florida Statutes, provides that White and Negro inmates are to be housed in separate buildings; Defendant however specifically denies the remaining allegations of the said paragraph.

6. Answering paragraph VI, Defendant denies the allegations of the said paragraph.

The Defendant having fully answered the Complaint affirmatively alleges as follows:

1. The named Plaintiffs, Willie Carl Singleton, Audrey Nell Edwards, JoAnn Anderson, and Samuel White, are all over the age of 17 years and are no longer subject to the jurisdiction of the juvenile court. The term "child" as defined in Chapter 39, Florida Statutes, means any married or unmarried person under the age of seventeen years, or any person who is charged with a violation of law occurring prior to the time that person reached the age of seventeen years. Defendant further alleges that there are no existing charges or conditions so as to create a continuing jurisdiction by the juvenile court over the said Plaintiffs. (See letter dated August 12, 1966, attached as Defendant's Exhibit A.) The only person who may be said to be subject to the jurisdiction and control of the Defendant is Samuel White, age 17, who under Section 955.18 and 955.19, Florida Statutes, could conceivably be committed to the Florida School for Boys in lieu of imprisonment. This hypothetical circumstance fails to afford Plaintiffs a valid basis for maintaining the instant action both individually and on behalf of a class. As a result, there can be no

irreparable injury to the Plaintiffs for which injunctive relief is sought.

2. The Plaintiffs have erroneously named certain individuals as being members of the Board of Commissioners of State Institutions. The following persons have never been members of the Defendant Board: W. D. Rogers, H. G. Cochran, Jr., Arthur G. Dozier, Terry Lee, and Mrs. Lula L. Mullikin. The following individuals constitute the present members of the Board: Haydon Burns, Governor; Tom Adams, Secretary of State; Earl Faircloth, Attorney General; Fred O. Dickinson, Jr., Comptroller; Broward Williams, Treasurer; Floyd T. Christian, Superintendent of Public Instruction; and Doyle Conner, Commissioner of Agriculture.

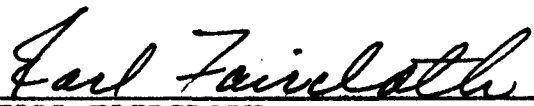
3. The Defendant is not pursuing a policy and practice of racial segregation of White and Negro youths confined to state training schools. On the contrary, actions taken by the Defendant not only contradict Plaintiffs' allegations but affirmatively show a direct and concerted effort to bring about a complete desegregation of facilities in an orderly and efficient manner following a plan which would be most conducive to the proper training and rehabilitation of persons at such schools. Attached as Exhibit B is a letter dated August 15, 1966, indicating the most recent progress in the plan of desegregation. Attached as Exhibit C is an outline of the plan of desegregation. Attached is Exhibit D outlining the efforts taken by the Defendant in bringing about an orderly desegregation of child training school facilities. Also attached as Exhibit E is a Report on Future Development of the Florida School for Boys compiled on behalf of the Technical Assistance Program.

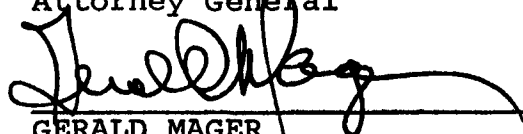
The foregoing indicates a positive, sincere and concerted effort on the part of Defendant to integrate

every area of the child training program in compliance with the Civil Rights Act.

WHEREFORE, the Defendant respectfully requests, the instant action being one in equity, that due recognition be given to the efforts made by Defendant in achieving full compliance with the Civil Rights Act and accordingly, the Plaintiffs' prayer for the issuance of an injunction be denied.

It is further prayed that this Court accept the present plan for complete and total desegregation now being implemented by Defendant at all the training schools involved, and that the Defendant be given through and including July 1, 1967, to complete the final phase of desegregating the group living facilities by which time it is anticipated that the Defendant will have received funds sufficient to accomplish this last phase of a complete and total desegregation of its facilities.

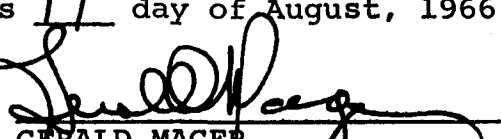

EARL FAIRCLOTH
Attorney General


GERALD MAGER
Assistant Attorney General

Attorneys for Defendant
Capitol Building
Tallahassee, Florida 32304

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer of Defendant has been mailed to the Honorable Earl M. Johnson, 625 West Union Street, Jacksonville, Florida, and the Honorable Constance Baker Motley and Honorable Jack Greenberg, 10 Columbus Circle, New York 19, New York, Attorneys for Plaintiffs, this 17th day of August, 1966.


GERALD MAGER
Assistant Attorney General