

Original

3

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
MARSHA MARIE SULLINS, by Palmer
Sullins and Della D. Sullins, their
parents and next friends; GERALD
WARREN BILLES and HELOISE ELAINE
BILLES, by I. V. Billes, their father
and next friend; WILLIE M. JACKSON,
JR., by Mabel H. Jackson, his mother
and next friend; WILLIE B. WYATT, JR.,
and BRENDA J. WYATT, by Willie B.
Wyatt and Thelma A. Wyatt, their
parents and next friends; NELSON N.
BOGGAN, JR., by Nelson Boggan, Sr., and
Mamie Boggan, his parents and next
friends; WILLIE C. JOHNSON, JR.,
BRENDA FAYE JOHNSON and DWIGHT W.
JOHNSON, by Willie C. Johnson and
Ruth Johnson, their parents and next
friends, and WILLIAM H. MOORE and
EDWINA M. MOORE by L. James Moore
and Edna M. Moore, their parents and
next friends,

Plaintiffs,

UNITED STATES OF AMERICA,

Amicus Curiae,

vs.

MACON COUNTY BOARD OF EDUCATION,
HARRY D. RAYMON, Chairman, MADISON
DAVIS, JOHN M. DAVIS, B. O. DUKES and
F. E. GUTHRIE and C. A. PRUITT,
Superintendent of Schools of Macon
County, Alabama; ALABAMA STATE BOARD
OF EDUCATION, Governor ~~GEORGE~~ C.
WALLACE, President of Alabama State
Board of Education; AUSTIN R. MEADOWS,
Secretary and Executive Officer of
Alabama State Board of Education;
JAMES D. NETTLES, J. T. ALBRITTON,
J. P. FAULK, JR., FRED L. MERRELL,
W. M. BECK, VICTOR P. POOLE, W. C.
DAVIS, CECIL WORD and HAROLD C.
MARTIN, as members of Alabama State
Board of Education.

Defendants.

FILED

FEB 3 1964

R. C. DOBSON
Clerk
By *J. H. N.* Deputy Clerk

CIVIL ACTION NO. 604-E

FRED D. GRAY
34 North Perry Street
Montgomery, Alabama

JACK GREENBERG
CONSTANCE BAKER MOTLEY
CHARLES H. JONES, JR.,
10 Columbus Circle

ATTORNEYS FOR PLAINTIFFS

MOTION FOR PRELIMINARY INJUNCTION

Come now the plaintiffs, by and through their undersigned attorneys, and move this Court for a preliminary injunction enjoining the defendants and each of them, their agents, servants, employees, and attorneys, from :

(1) Closing the Tuskegee Public Schools, and from transferring the Negro pupils from said school to the Tuskegee Institute High School,

(2) From transporting by Macon County School bus transportation, or otherwise, the white pupils to Shorter High School or to or from the High School in Notasulga,

(3) Or in the alternative, enter an order enjoining the defendants and each of them, their agents, representatives, employees, successors in office, and all persons in active concert and participation with them from refusing to enroll the twelve Negro pupils, who were enrolled in the Public School at Notasulga, Alabama upon the same terms and conditions as allowed ^{to} the White pupils and to require the defendants to provide school bus transportation for said pupils to said schools on the same terms and conditions provided for the White pupils.

Plaintiffs further move this Court to enter a decree enjoining the said defendants, and each of them, their agents, attorneys, representatives, employees, successors in office and all persons in active concert and participation with them from:

(1) Continuing to operate a compulsory biracial school system in all of the counties in the State of Alabama.

(2) Continuing to maintain a dual scheme or pattern of school zone lines or attendance area lines based on race or color in all of the counties in the State of Alabama.

(4) Making initial assignments of pupils to the Public Schools in all counties of the State of Alabama on the basis of race or color.

(5) Assigning teachers, principals and other professional personnel to the Public Schools under their juris-

diction on the basis of race or color.

(6) Approving employment contracts, budgets and disbursing funds on the basis of race or color.

(7) Constructing elementary and high schools in the State of Alabama on the basis of the dual attendance areas based on race or color.

(8) Programming and supporting extra-curricular activities which are limited solely to one or the other of the races.

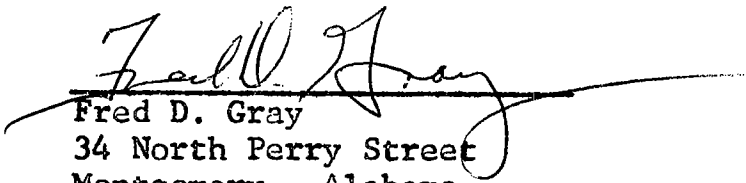
(9) Continuing to make any other distinctions in the operation of the schools under their jurisdiction which are based solely on race or color.

In the alternative, plaintiffs pray that this Court enter a decree directing said defendants to present a complete plan in a period of time to be determined by this Court for the reorganization of the entire school system of the State of Alabama, into a unitary, nonracial system which shall include a plan for the assignment of pupils, teachers, principals and other professional school personnel on a nonracial basis; the drawing of school zone or attendance area lines on a nonracial basis; the allotment of funds, the construction of schools, the approval of budgets on a nonracial basis; the programming of extra-curricular activities on a nonracial basis and the elimination of any other discrimination in the operation of the school system or curricula which are based solely on race or color.

Plaintiffs pray that if this Court directs said defendants to produce a desegregation plan that this Court will retain jurisdiction of this case pending court approval and full and complete implementation of said defendants' plan, and after a final hearing in this case, that this Court will enter a permanent injunction similarly enjoining the defendants, their agents, employees, successors and all persons in active concert and participation with them.

Plaintiffs pray that this Court will allow them their costs herein and grant such other, further and additional or alternative relief as may appear to the court from time to time to be equitable, just and proper.

Respectfully submitted,


Fred D. Gray
34 North Perry Street
Montgomery, Alabama

Constance Baker Motley
Jack Greenberg
Charles H. Jones, Jr.,
10 Columbus Circle
New York 19, New York

Attorneys for Plaintiffs