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[fol. 17] [File endorsement omitted]

IN UNITED STATES DISTRICT COURT

[Title omitted]

SEPARATE ANSWER OF THE STATE OF KANSAS—Filed June
15, 1951

Comes now the State of Kansas, an intervening defendant, by Edward F. Arn, Governor of said State, and Harold R. Fatzer, the Attorney General thereof, and for its answer to the amended complaint herein alleges as follows:

I

That the amended complaint in said cause fails to state a claim or cause of action against this intervening defendant upon which relief may be granted to the plaintiffs.

II

This intervening defendant admits the allegations contained in paragraph 1 of the amended complaint except that it denies the amount in controversy exceeds, exclusive of interest and costs, the sum or value of \$3,000.00.

III

This intervening defendant admits the allegations contained in paragraph 2 (a) of the amended complaint except that it expressly denies Chapter 72-1724 of the General Statutes of Kansas, 1935 (1949), is unconstitutional. This defendant is without knowledge or information to either admit or deny the truth or the allegations contained in paragraph 2 (b), (c), and paragraph 3 (a), (b) of the amended complaint.

[fol. 18]

IV

This defendant admits the allegations contained in paragraphs 4 and 5 of the amended complaint, but denies that the defendant, Board of Education of Topeka, Shawnee County, Kansas, is governed by the General Statutes of Kansas, 1935, and supplements thereto, Section 72-1809, for the reason that said statute has no application to pub-

lic schools in cities of the first class to which class the city of Topeka belongs.

V

For further answer herein this intervening defendant states it is without knowledge or information to either admit or deny the truth of the allegations contained in paragraphs 6, 7, 8 as amended, 9 or 10 of the amended complaint. All other allegations contained in the amended complaint which are not hereinbefore admitted or explained are hereby expressly denied.

Wherefore this intervening defendant prays that plaintiffs take naught by this action and that defendants have judgment for all costs herein expended.

Harold R. Fatzer, Attorney General for the State of Kansas; Willis H. McQueary, Assistant Attorney General for the State of Kansas; C. Harold Hughes, Assistant Attorney General of the State of Kansas.

[Verified by Willis H. McQueary.]
