

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FILED

OCT 22 1965

R. C. DOBSON, CLERK
By *JDS* Deputy Clerk

ANTHONY T. LEE, ET AL.,

Plaintiffs,

UNITED STATES OF AMERICA

Plaintiff-Intervenor
and Amicus Curiae,

vs.

MACON COUNTY BOARD OF EDUCATION,
ET AL.,

Defendants.

CIVIL ACTION NO. 604-E

ALABAMA NAACP STATE CONFERENCE
OF BRANCHES, ETC., ET AL.,

Plaintiffs,

vs.

GEORGE C. WALLACE, Governor of
The State of Alabama, ET AL.,

Defendants.

CIVIL ACTION NO. 2457-N

INTERROGATORIES PROPOUNDED UNDER THE PROVISIONS
OF RULE 33

TO: ALABAMA NAACP STATE CONFERENCE OF BRANCHES, an unincorporated association.

INTERROGATORIES TO ALABAMA NAACP STATE CONFERENCE OF BRANCHES, UNDER THE PROVISIONS OF RULE 33, FEDERAL RULES OF CIVIL PROCEDURE.

You are hereby requested to answer the following interrogatories as a party to this action, and serve said answers as required by Rule 33, Federal Rules of Civil Procedure.

1. Who answers these interrogatories on behalf of the Association?
2. Who is present while these interrogatories are being answered?
3. Who authorized the Association to bring this action?
4. Was a meeting of the Board of Directors held before a decision was made to bring the suit?
5. If the answer to question 4 is in the affirmative, list the date such action was taken and the members of the Board of Directors who were present.
6. Who first suggested to any member of the Association that this action should be maintained?
7. Were any minutes made of the meeting or decisions made to bring this action? If so, who has custody and control of such minutes?
8. Did the attorneys representing your Association suggest that this suit be filed?
9. Did you, at any time, discuss this action with any agent of the Justice Department of the United States?
10. If the answer to 9 is in the affirmative, list the time, place and name of the agent with whom such action was discussed. If a discussion was held, state, in substance, the context of such conversation.
11. Do you know whether there was any contact between any member of your Association and the Tuscaloosa County Board of Education, or its superintendent prior to the filing of this suit? If so, list the name of the member making such contact and the time and place of such contact.

12. Do you know whether there was any contact between any member of your Association and the Tuscaloosa City Board of Education or its superintendent prior to the filing of this suit? If so, list the name of the member making such contact and the time and place of such contact.
13. You allege that plaintiffs are denied and/or threatened with denial of equal educational opportunities solely because of their race. What educational benefits are available under federal financial assistance programs to white children and are not available to plaintiffs?
14. Isn't it true that plaintiffs are attending the school of their choice? Aren't the school plaintiffs attend formerly all white or predominantly white schools?
15. Do plaintiffs contend they are discriminated against because they were assigned to white schools at their request?
16. Who, if anyone, requested the plaintiffs to maintain a class suit on their behalf?
17. List the names of the parents whose children are denied equal educational opportunities as alleged in the complaint.
18. Are the children you claim are denied equal educational opportunities attending previously all white schools, as are the plaintiffs? If not, how are these children similarly situated to the plaintiffs (who are attending previously all white schools of their own choice)?
19. List the teachers who are members of your Association who are denied employment because they are Negroes.
20. Name the teachers who requested you to file a suit for them. If any teacher made such a request, state his or her name and give the time, place and manner of such request and to whom made.
21. List the chartered affiliates of the NAACP in Alabama.
22. Who is President of the NAACP?

23. What is the race or nationality of the President of the NAACP?
24. Are any of the national officers of the NAACP members of any group or organization which has been cited by the House Un-American Activities Committee or the Senate Internal Security Committee as Communist or Communist front? If so, list the names of such officers and the organization they are affiliated with.
25. State whether or not a copy of the complaint in this case was given to the Birmingham News before it was actually filed in court. If so, why was this done?
26. Who suggested the holding of a news conference to announce that a suit was going to be filed, in regard to H.B. 446?
27. State the purpose of announcing in a news conference about the suit before it was filed.
28. State specifically what the desegregation plans of the Tuscaloosa City Board of Education and the Tuscaloosa County Board of Education provides for.
29. Do you contend that white children or Chinese children or Indian children were given the choice of the school they wanted to attend and that Negroes were not in either Tuscaloosa City or Tuscaloosa County?
30. Do you contend that white children in the schools attended by the plaintiffs are treated differently than the Negro children?
31. Do you think that Negro teachers are just as qualified as white teachers?
32. Have any of the Negro children attending the Tuscaloosa County system become emotional and cried because they were made to attend the white schools?
33. Do you contend that having Negroes in white schools improves the quality of education in the white schools? If you answer in the affirmative, list any improvements you claim occur.
34. How does the fact that a Negro child is attending a pre-dominantly white school advance his interest?

35. Under what provision of law do you claim that this court has jurisdiction to order faculty integration?
36. Doesn't the Civil Rights Act of 1964 specifically exclude states as "employer" under the Fair Employment Practices Provision of that Act?
37. Doesn't Section 604 of the Civil Rights Act of 1964 specifically provide that nothing contained in Title VI should be construed to authorize any agency, including Federal Courts, to interfere with any employment practice of any employer?
38. If your answer to question 37 is in the affirmative, what authority does this court or any agency have to seek to control the assignment of teachers in school systems?
39. Under what authority does the Department of Health, Education and Welfare have any jurisdiction to interfere with the administration, curriculum or program of any school system?
40. What specific steps have been taken by the defendants to deprive the Negro plaintiffs of attending the school of their choice?
41. What school systems have lost federal financial assistance because of any act done or threatened by any of the defendants?
42. Since Gina Rogers is enrolled in a white school, because of her choice, why is she complaining?
43. List the school systems of the State of Alabama which have submitted voluntary desegregation plans and have executed agreements to comply with Title VI of the Civil Rights Act of 1964.
44. State the provisions of each plan submitted by boards of education throughout the State of Alabama.
45. List the steps taken by the various boards of education toward desegregation of the public schools and integration of faculties as alleged in paragraph 7 of the complaint.

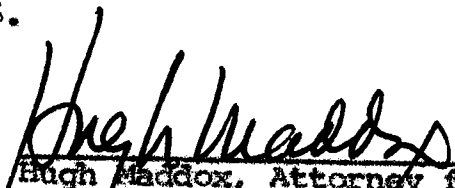
46. Who acted in concert with Governor George C. Wallace to procure the enactment of H. 446, as you allege?
47. How does Act 446 threaten to impede or frustrate the intent of Title VI of the Civil Rights Act of 1964, as you allege?
48. What contracts have the Governor and the Governor's Commission threatened to impair?
49. Who are the parties to such contracts?
50. What proprietary interest does the NAACP have in such contracts?
51. What damage will plaintiffs suffer immediately unless an injunction is issued?
52. Has the Federal Government cut off any funds to any school system in the State of Alabama? If so, list the systems, and state whether or not any application for federal funds was made.
53. Do you contend that the State of Alabama must take financial assistance from the Federal Government?
54. If the State of Alabama elects not to take Federal assistance, wherein are Negroes discriminated against because of their race?
55. State every contact made by the plaintiffs (including members of the Association) with another person concerning the bringing of this suit. Give names, places of contact and the substance of the conversation.
56. When did the Governor threaten to take action against the Tuscaloosa Board of Education under H. 446?
57. In Paragraph VII, you allege denial of equal protection of the law because of alleged different treatment under "Guidelines" and systems under court order. Isn't it true that there is no system under court order requiring faculty integration this year and yet Tuscaloosa City and Tuscaloosa County have voluntarily integrated the faculties? List the systems under court order which are required to take all of the steps listed in the Guidelines.

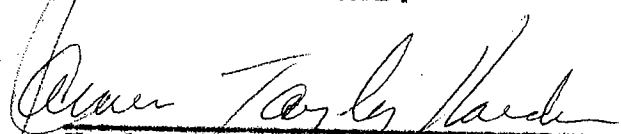
58. Do you contend that because the Tuscaloosa systems have integrated their faculties, while systems under court order have not, that plaintiffs are denied equal educational opportunities?
59. In fact, isn't it correct that the only faculty integration which has occurred has been among those systems not under court order?
60. In paragraph 7 of the amended complaint, you allege that H. 446 is vague. What particular portion of the statute do you not understand?
61. Isn't it true that no action can be taken under the statute unless a school board elects to turn the matter over to the Governor and the Governor's Commission?
62. What privilege or immunity is denied to plaintiffs because of alleged "vagueness" of H. 446?
63. How are Negroes affected differently than other children, even assuming the correctness of the statement made in paragraph VIII of the amended complaint?
64. How can H. 446 be used to maintain a segregated school system, as you allege?
65. How is H.446 being used to maintain a segregated school system in Alabama?
66. State specifically and in detail all contacts made by members of your Association with others, giving names, dates and places in connection with the bringing of this action. Include all contacts made and a short narrative of the conversations.
67. Were any notes, memoranda, letters or other documents prepared in connection with this suit?
68. Were any long distance calls made by your members in connection with this suit? If so, list the calls made and the dates.

69. Has either the Tuscaloosa County Board of Education or the Tuscaloosa City Board of Education lost any federal financial assistance because of any action taken by such boards?
70. List the names of the teachers who are members of your Association and the NAACP who have requested to be assigned to predominantly white schools.
71. You allege an actual controversy exists between the parties. What, specifically, are you referring to?
72. In your prayer for relief, you ask that the Tuscaloosa City Board of Education be required to ask for federal aid. Do you contend that the various boards of education in the state do not have the authority to refuse federal aid?
73. Name the Negro teachers in the state who complained to your Association about the employment practices of the local boards of education.
74. List the names of all the officials of the NAACP (national organization) and further list all the organizations said officials have been affiliated with which have been cited by the House Un-American Activities Committee or the Senate Internal Securities Committee.
75. Who wrote the "Guidelines" mentioned in your complaint?
76. What has the NAACP or your Association done to build factories to create jobs, to give specialized training for Negroes to help them help themselves, to construct community facilities, such as hospitals, to conduct classes in sanitation and hygiene, to combat crime and juvenile delinquency?
77. How much money has the NAACP spent in the past 15 years to integrate schools, to pay for demonstrations and to create other friction by exploiting the race issue?
78. Didn't the New York State Legislative Committee Investigating Seditious Activities label the NAACP as a subversive organization in 1920?

79. By 1956, weren't there a total of 77 top officials of the NAACP alleged to have been involved in pro-Communist activities?
80. Do you agree with the material listed in the Congressional Record, February 23, 1956, pages 2796-2849?
81. Wasn't W. E. B. DuBois a co-founder of the NAACP?
82. Didn't W. E. B. DuBois finally join the Communist Party in his old age?
83. What tactics have been used by your organization to threaten or coerce Negro citizens into taking any particular action in any particular case?
84. Does your organization contend that a Negro child can get a better education merely because he is sitting by a white child?
85. List the names and addresses of all persons having knowledge of the facts alleged in the complaint.

This the 24 day of October, 1966.


Hugh Maddox, Attorney for
Defendants George C. Wallace,
Governor's Commission, Alabama
State Board of Education,
Austin R. Meadows and Mary
Texas Hurt Garner.


Taylor Hardin, Attorney for
defendants Seymore Trammell
and John Graves.

CERTIFICATE OF SERVICE

I hereby certify that I have served these interrogatories upon the plaintiff, Alabama NAACP State Conference of Branches, by mailing a copy of them upon their attorney of record, Orzell Billingsley, Jr., 1630 Fourth Avenue, Birmingham, Alabama - 35203.

This the 24 day of October, 1966.

