

CASE FILES

ALABAMA

LEE V. MACON COUNTY
BD. OF EDUC.

1966
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TRANSCRIPTS

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

*transcript
Summers
W. J. J.*

Anthony T. Lee and Henry A. Lee,
etc., et al.,

Plaintiffs,

Civil Action

United States of America,
Plaintiff-Intervenor
and Amicus Curiae,

No. 604-E.

vs

Macon County Board of Education,
etc., et al.,
Defendants.

Alabama NAACP State Conference of
Branches, etc., et al.,
Plaintiffs,

Civil Action

United States of America,
Plaintiff
and Amicus Curiae,

No. 2457-II.

vs

George C. Wallace, Governor of the
State of Alabama; et al.,
Defendants,

John W. Gardner, as Secretary, etc.,
et al.,

Impleaded defendants.

Heard Jointly Before:

Hon. Richard T. Rives, United States Circuit Judge;
Hon. Hobart H. Grooms, United States District Judge;
Hon. Frank M. Johnson, Jr., United States District
Judge; and
Hon. Virgil Pittman, United States District Judge.

At: Montgomery, Alabama, November 30, December 1-2, 1966.

(NOTE: This is transcript of proceedings had November 30, 1966)

Glynn Henderson,
Official Court
Reporter.

INDEX - Witnesses (November 30, 1966)

Dir. Crs. Red. Rec. Red. Rec.

Plaintiffs' Witnesses

Austin R. Meadows 15 106 147 163 166

Florence Foy (Mrs. Carl) Strang
168

United States' Witnesses

George Leslie Layton 176 219 233

A p p e a r a n c e s:

Civil Action No. 604-E:

For the Plaintiffs:

Fred D. Gray,
Melvyn Zarr, and
Henry M. Aronson.

For the United States:

Ben Hardeman,
St. John Barrett, and
Brian K. Landsberg.

For Macon County Board of Education, and individual
members thereof:

Gordon Madison.

For George C. Wallace, in his capacity as Governor of the
State of Alabama, and as President of Alabama State
Board of Education, and individual members thereof:

Goodwyn, Smith & Bowman
(Maury D. Smith).

For George C. Wallace, in his capacity as Governor:

Goodwyn, Smith & Bowman
(Maury D. Smith),
John C. Satterfield, and
Hugh Maddox.

Civil Action No. 2457-N:

For the Plaintiffs:

Orzell Billingsley, Jr.,
Oscar W. Adams, Jr.,
Frank D. Reeves, and
Miss Joan Franklin.

For the United States:

Ben Hardeman,
St. John Barrett, and
Brian K. Landsberg.

For Governor Wallace, Governor's Commission, Austin R.
Meadows, State Board of Education, Mary Texas Hurt Garner:

Hugh Maddox.

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Brian K. Landsberg.

For Governor Wallace, Governor's Commission, Austin R.
Meadows, State Board of Education, Mary Texas Hurt Garner:

Hugh Maddox.

For Seymore Trammell and John Graves:

James Taylor Hardin.

For all defendants except Tuscaloosa City and County Boards
of Education:

John C. Satterfield.

For Governor Wallace and Governor's Commission:

Hugh Maddox,
James Taylor Hardin,
John C. Satterfield, and
Goodwyn, Smith & Bowman
(Maury D. Smith).

For Tuscaloosa City and County Boards, etc.:

McQueen, Flowers & Ray
(Martin Ray).

For Tuscaloosa City Board of Education:

Gordon Madison.

For Impleaded defendants:

Ben Hardeman,
St. John Barrett,
Brian K. Landsberg, and
Albert T. Hamlin.

(The above cases coming on for trial, jointly, at
Montgomery, Alabama, before the above-constituted Courts -- No. 604-E
before Judges Rives, Grooms, and Johnson; No. 2457-N before Judges
Rives, Johnson, and Pittman -- the following proceedings were had
beginning at 9:30 a.m., November 30, 1966:)

JUDGE RIVES: Gentlemen, we call for trial the case
of Anthony T. Lee and others, United States, plaintiff-intervenor,
against Macon County Board of Education, which is number 604-E, and
the case of Alabama NAACP State Conference of Branches, an

unincorporated association, against Honorable George C. Wallace, as Governor of the State of Alabama, and others, and the United States, plaintiff and amicus in that case, with cross complaint of the defendants against John W. Gardner, Secretary of Health, Education, and Welfare, and others; call both those cases for trial. It is the court's view that probably the plaintiffs in both cases should introduce their evidence before the defendants in either case are called on for the introduction of evidence. I presume that the lawyers in both cases have noted their appearances.

MR. BILLINGSLEY: May it please the court, I would like to introduce to the court at this time Mr. Frank Reeves, member in good standing of the bar of Washington, D. C., and Mrs. -- Miss Joan Franklin, member in good standing of the bar of the State of Michigan; each -- each attorney has entered his or her appearance with the Clerk of the Court.

JUDGE RIVES: And you are wishing them to appear as co-counsel with the N. double A. --

MR. BILLINGSLEY: For the N.A.A.C.P.; yes, sir.

JUDGE RIVES: We are happy to have those counsel here, but we have dictated an order in response to a motion by the defendants that the N. double A.C.P., in spite of having had adequate notice of rulings on the motions for answers to interrogatories, has failed to answer a considerable number of the interrogatories propounded to it, even though time was extended on one occasion; and the court is adjudging the N. double A.C.P. in civil contempt of this

court, and will not allow the N. double A.C.P. to participate in the trial of this case until it purges itself of that contempt and until the further order of the court. So we will -- we will not at this time enter any order upon the admission of these counsel whatever. The case will proceed; the issues will not be changed; the case will proceed, both cases, but until the N.A.A.C.P. answers those interrogatories and purges itself of the contempt of this court, why, they will not be permitted to participate.

MR. BILLINGSLEY: May we be heard on that?

JUDGE RIVES: No, you may not; you should have asked to be heard outside the court, not on the day of the trial in the case.

MR. BILLINGSLEY: We were not aware of the order.

JUDGE RIVES: This order -- you were aware of the order requiring the -- requiring you to answer interrogatories; the order was made by Judge Johnson. Until you purge yourself of the contempt of the court, you will not be permitted to participate.

MR. BILLINGSLEY: All right, sir.

JUDGE RIVES: Plaintiffs may proceed.

MR. GRAY: May it please the court, I believe there was an understanding of the parties in this case that there were certain depositions the Government had taken, which, by agreement, could be offered in evidence, and certain documents coming from the office of the various County Superintendents which could be offered by agreement. These Exhibits are in the possession of the Government,

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and they have made a list of them, and we would like for these Exhibits to be introduced at this time in order to facilitate the trial of the cause, because we will be referring to them as we proceed.

JUDGE RIVES: Very well, Mr. Gray, but -- if you think those documents will facilitate the conduct of the trial; we would like to get the live witnesses out of the way as soon as permissible, but those, such documents that you think are necessary, will be introduced in advance -- may be; that may be done.

MR. SATTERFIELD: May it please the court, as these are consolidated cases, may it be considered that any statement, objections, or motions made by counsel in either case would be for the benefit of all corresponding parties in the other case; I am appearing only in the 2457-N, and Mr. Smith appearing only in 604, I believe E.

MR. SMITH: 604-E.

MR. SATTERFIELD: In connection with statement of counsel, it has been understood that insofar as authentication of documents may be concerned, authentication will be waived; as to depositions, the court has ruled, Judge Johnson, in answer to depositions, they may be tendered even though taken within one hundred miles of this court; however, I would like the record to show that these matters are not being done by agreement, but are subject to those actions.

JUDGE RIVES: Will the witnesses -- will you have

UNIDENTIFIED WITNESS: Thank you, sir.

JUDGE RIVES: That is all right. Did anybody request the rule in this case?

MR. SMITH: We do not, your honor.

JUDGE RIVES: The rule is not requested in this case by either side; then the witnesses may be present in the courtroom if they like, or be outside.

MR. BARRETT: If the court please, the United States will request the invocation of the rule on witnesses.

JUDGE RIVES: The United States requests the invocation of the rule?

MR. BARRETT: Yes, your honor.

JUDGE RIVES: The rule has been requested then, gentlemen, and the witnesses must stay out of the courtroom and out of the hearing of the trial, and must confer -- must not discuss their testimony with other witnesses nor with the counsel in the presence of other witnesses, but may discuss their testimony with counsel by themselves. We have to ask the witnesses to retire from the courtroom.

MR. GRAY: May it please the court, we have subpoenaed any number of witnesses to bring certain records with them, and one of my co-counsel would like to be seeing these records while the case proceeds, and we would like to inquire of counsel -- certain records were requested from the Governor of the State, and we would also like to see those records at this time.

MR. SMITH: They are available, and we will be glad to turn them over, your honor.

COURT CRIER: About twenty-four of you come back here.

MR. SMITH: If the court please, Dr. Meadows is a party defendant, and we understand he will be excused.

JUDGE RIVES: He, of course, will be excused. Any of the witnesses who are parties to the case, of course, the rule does not apply. If there are any other witnesses who are parties to the cases, they, of course, may be excused.

MR. SMITH: Your honor, these three witnesses are also witnesses -- defendants, members of the State Board of Education.

JUDGE RIVES: The parties may be excused. Are there any other witnesses in the courtroom; any other people summoned as witnesses who are in the courtroom? Now, there will be some witnesses coming in, I am sure, as the court progresses, and we will have to rely on counsel to keep them out of the courtroom to the best of their ability.

MR. SMITH: Yes, sir.

JUDGE RIVES: I don't think the court will be too strict about it, but they should be kept out.

MR. ARONSON: Thank you, your honor.

MR. SATTERFIELD: May it please the court, if agreeable with counsel, I believe the record should show that we had issued a subpoena to Mr. Howe and others asking certain

documents be brought, upon the assumption that they would be expected to be here; of course, it was issued to the District of Columbia.

JUDGE RIVES: Yes, sir; there has been a motion to quash that subpoena.

MR. SATTERFIELD: We withdraw that subpoena, because it was done solely as a matter of convenience.

JUDGE RIVES: We have already entered an order quashing the subpoena. You took the depositions of those witnesses on November 2, and had ample opportunity to -- and we have entered an order quashing that subpoena.

MR. SATTERFIELD: We want -- I had not known that had been done; otherwise, we would have withdrawn it under the circumstances.

JUDGE RIVES: Very well.

MR. SATTERFIELD: We have -- may I also state to the court, in response to the subpoena that the Government -- we brought in the records; the attorney is looking them over; therefore, we assume that no further action will be required.

JUDGE RIVES: All right; plaintiffs may proceed.

MR. GRAY: Call Dr. Meadows.

MR. BILLINGSLEY: If the court -- may I approach the bench?

JUDGE RIVES: Yes.

MR. BILLINGSLEY: In addition to the N.A.A.C.P. party plaintiff, we also have another plaintiff in the case.

JUDGE RIVES: We understand, and we are proceeding with the trial of the case.

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: And you have had ample opportunity to present any reason that you had for not answering those interrogatories to the court in advance. The rules require that you do so.

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: We are not going to delay the trial of the cases to hear your reasons at this time.

MR. BILLINGSLEY: Well, we also have this reason; Miss Franklin is attorney for our other plaintiffs.

JUDGE RIVES: Oh, they are appearing --

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: -- they wish to appear here as attorneys for the other plaintiffs?

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: Well, the other plaintiffs may make a motion; I don't think we will hear you making a motion; we won't hear you in the case at all until you purge -- until your organization has purged itself of the contempt.

MR. BILLINGSLEY: Will you hear Mr. Reeves and Miss Franklin?

JUDGE RIVES: If they wish to make a motion for the admission of counsel ad hoc, we will hear them.

MR. BILLINGSLEY: Can Mr. Reeves make that motion,

JUDGE RIVES: Now, who do they appear for; who do they wish to appear for?

MR. BILLINGSLEY: They are going to appear for the other plaintiffs, not at this time the --

JUDGE RIVES: In which case; in which case?

MR. BILLINGSLEY: This is in this case, your honor.

JUDGE RIVES: Got both cases on trial.

MR. BILLINGSLEY: Yes, sir.

MR. GRAY: 2457-N.

JUDGE RIVES: This is in 2457?

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: You are moving that they be permitted to appear as counsel in that case?

MR. BILLINGSLEY: Yes, sir.

JUDGE RIVES: They will be admitted ad hoc, and will be permitted to appear as counsel in that case.

MR. BILLINGSLEY: Thank you, your honor.

JUDGE RIVES: Very well. All right, Mr. Gray.

MR. GRAY: If it please the court, your honors, our first witness is Dr. Meadows, and we are going to interrogate him concerning some of the material that is contained in various depositions that have been taken, and we feel that all of these depositions should at this time be introduced in evidence, along with the Government listed Exhibits, because we will be interrogating him with respect to some of those Exhibits.

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JUDGE RIVES: Very well, Mr. Gray. Mr. Barrett, you wish to be heard on anything?

MR. BARRETT: If the court please, counsel referred to a list of Exhibits that the Government has marked for identification; I have given the Clerk a copy of the list, and I have -- I have also given counsel copies, and I have additional copies for the convenience of the court, if it would be of assistance in following the testimony.

JUDGE RIVES: Very well; if you will furnish those to the court, it will be appreciated, Mr. Barrett.

(Mr. Barrett presented lists)

MR. SATTERFIELD: May it please the court, as to the Exhibits and also as to the depositions offered, we received at eight forty-seven a.m. this morning this list of Exhibits, of a hundred and sixty-four Exhibits, some of which have as many as ten different parts; we do not care to desire in any way to delay the case, and with the permission of the court, we would like to be permitted to file our objections in writing during the course of the case at proper time, and if any of them are sought to be argued, we would like to call them to the court's attention at the proper time.

JUDGE RIVES: Very well, Mr. Satterfield.

MR. GRAY: We offer then, your honor, Government's Exhibits which are indicated on the Government's Exhibits list, 1 through 126. Dr. Meadows, please.

JUDGE RIVES: Dr. Meadows.

AUSTIN R. MEADOWS, a Defendant, called as witness by the Plaintiffs,
having been duly sworn, testified as follows:

DIRECT EXAMINATION:

BY MR. GRAY:

Q State your name, please?

A Austin R. Meadows.

Q What position, if any, you hold with the State Board of
Education?

A State Superintendent of Education, Executive Officer of the
State Board of Education, Secretary of the State Board of
Education.

Q And have you held that position prior to this time on other
occasions?

A Yes; yes.

Q Dr. Meadows, did you testify in this case on or about February
21 and 22, 1964, when we were in this court before?

A I did.

Q Now, Dr. Meadows, since that previous testimony, have the
functions and the responsibilities of the State Department of
Education changed in any significant respect?

A The changes have been in developing the new federal programs,
mainly, and connected therewith.

Q Has there been any other substantial change in the operation of

the Department of Education since that time?

A None except primarily in connection with the new educational programs under Public Law 89-10 and other public laws which we are administering.

Q Can you indicate specifically what those changes are?

A Adding additional personnel and performing the duties required in connection with the administration of those funds. And there has been a change in the tuition grant law.

Q Were you served with a copy of the court's order, this court's order, of July 13, 1964?

A Your question, please?

Q Do you recall having been served with a copy of this court's order of July 13, 1964?

A I don't understand your question.

JUDGE RIVES: Indicate to him what that order is.

MR. GRAY: All right.

JUDGE RIVES: He can hardly remember all the orders.

WITNESS: I don't remember the numbers.

Q Let me show you, sir, a copy of the decree of this court of July 13, '64, and tell us whether or not you were served with a copy of it?

A Yes, I have a copy of it.

Q May I call your attention to page two, paragraphs four and six of that decree?

A Yes.

Q Do you need to refresh your recollection of it, sir? As State Superintendent of Education, did you understand that order to impose upon you a duty to promote and encourage the elimination of racial discrimination in public schools in this State?

A Yes.

Q Now, subsequent to that time, Dr. Meadows, did the State Board of Education either sponsor or participate in separate institutes for Negro and white teachers in county and city school systems in the State of Alabama?

A The State Board took no action on that; that was a local Board action.

Q Did the State Board cooperate with any such programs?

A On request of the local School Boards, consultants were furnished for the institutes, but only as the local School Boards established and set up those institutes.

Q And do you --

A If a local Board had a separate institute, our consultants attended when they could. If it was not separate -- and I have attended an institute in which it was not separate -- why, we attended, also.

MR. GRAY: Mark these documents, please.

A I attended an institute in Marshall County, myself, in which the both races were present prior to that time.

THE CLERK: Plaintiffs' Exhibit number 1 for identification.

- Q May I show you, sir, Plaintiffs' Exhibit 1, consisting of two documents, and ask whether or not those documents with respect to separate Negro institutes and white teacher institutes were circulated by your office? For the year 1964?
- A What do you mean by the word, "Circulate"?
- Q Did you send them to the various County Superintendents throughout the State, or some of them?
- A I don't remember sending them, and it doesn't bear my name on it anywhere as having sent them.
- Q I show you the reference to State Department of Alabama at the top --
- A Yes.
- Q -- did that come from your office?
- A That was developed there in the office of the State Department of Education, but we develop a list for our own references, and I -- I would have to have some evidence to show that we sent it out anywhere to be able to say for sure whether it was sent out or not.
- Q And that was developed in your office, wasn't it, sir?
- A We copied the list from the local School Superintendents' and Boards' listings; it is just a tabulation of it, determined by the local School Boards.
- Q Let me show you the other part, which deals with the Negro teacher institutes; that was prepared in your office, wasn't it?
- A That was tabulated in our office from the local school systems'

reports.

MR. GRAY: We offer this in evidence.

MR. SMITH: No objection.

Q Doctor --

JUDGE RIVES: You offer those in evidence?

MR. GRAY: Yes, sir; we offer them in evidence.

JUDGE RIVES: They will be received as marked.

Q Dr. Meadows, as State Superintendent of Education, do you periodically prepare and circulate to the various county and State Boards of Education press releases and excerpts from speeches that you have made in the State?

A Yes.

Q And do you circulate those speeches at times?

A Yes.

MR. GRAY: Mark this Exhibit, please.

THE CLERK: Plaintiffs' Exhibit number 2 for identification.

Q I show you, sir, Plaintiffs' Exhibit 2 for identification, and ask you if you will tell us what that is?

JUDGE RIVES: Do these correspond with the Exhibits on the Government's list?

MR. GRAY: No, sir; these do not, your honor.

JUDGE RIVES: They do not.

MR. GRAY: They do not, and that is why we are doing this; it is only a few documents that are not in.

A This document is excerpts from an A. E. A., Alabama Education Association, address, March 19, 1965.

Q And did you circulate that to the various City and County Superintendents in the State of Alabama?

A Yes.

MR. GRAY: We offer this in evidence.

MR. SMITH: No objection.

MR. GRAY: Defendants' Exhibit 3. Will you mark this then?

JUDGE RIVES: It may be received in evidence.

THE CLERK: Plaintiffs' Exhibit number 2.

JUDGE JOHNSON: Let's see it.

Q I wanted to ask you several questions about that document, Doctor, when the court finishes with it. You may recall; do you remember in that document you mentioned that junior colleges for the minority race in Jefferson County were now operational or now in operation; do you recall that?

A I say here that the minority race has a new junior college in Mobile, and a new one is being established in Jefferson County; I didn't say it was in operation.

Q All right; now, when you say the minority race, are you referring to the Negro race?

A That would be the minority race on a population basis.

Q Now, was that junior college that is referred to in this excerpt in Jefferson County, is it now in operation?

A It is.

Q What about the -- do you refer to any other junior colleges or trade schools in that excerpt?

A Yes.

Q Where are they?

A "Trade schools have been established for the minority race during this period and are in actual operation at Mobile, in Jefferson County, in Gadsden, in Huntsville, and in -- and additional trade schools are on the way in Montgomery and Tuscaloosa."

Q Now, have all of those trade schools been completed for the minority race?

A Yes. They have been completed.

Q And are they in operation now?

A They are in operation.

Q And were they placed in operation since July 13, 1964?

A They have all been placed in operation, the new ones have, since that time.

Q And does that --

A But I didn't say here that these are now schools for the minority race; any student can enter those schools that wants to, regardless of race.

Q On page two, sir, of the excerpt, it states, "Through out-of-State aid, the minority group has been able to attend colleges that have been superior to colleges in the State of Alabama in

the past"; does the State Department of Education still provide out-of-State aid for Negroes?

A The State Department does not do so, but the State provides it, and the State Superintendent approves it.

Q And is that still in existence?

A It is still in existence, out-of-State aid for students who can get -- where work is offered in one State college in Alabama, but is not offered to the college to which they could attend, then that is approved.

Q What is the purpose for out-of-State aid for Negroes now in Alabama?

A The purpose is to give them college advantages that they have not -- are not able to get in the State for any reason, regardless.

Q Has that particular program existed over the years?

A What is your question; you turned?

Q Out-of-State aid, has it existed for some time?

A Yes, it has been in existence since, according to my memory, 1945; I approved a grant for out-of-State aid for you to study law.

Q And was it at that time designed to -- was that at the time prior to any Negroes being admitted to white educations of higher learning in the State of Alabama?

A As far as I know, none were admitted in 1945.

Q At that time?

A In that period, 6 and 7.

Q But that has not changed?

A What?

Q The procedure, the procedure for obtaining these funds have not changed?

A No, we follow the same Patterson -- pattern that we did in the past where the -- we have a committee that meets on that and decides whether that individual has a chance to get into a college or not, and if not, and the work -- and the college course is offered in Alabama, but that individual cannot get the course, then it is approved; we have A. and M. Institute represented, Alabama State College on it, Tuskegee Institute is represented, along with the other colleges.

Q All right. Excuse me a moment. Let me show you, sir, a copy of what has already been introduced as the Government's Exhibit number 12, which is a resolution of the State Board of Education, September 2, 1965; will you review that a moment, please? I want to particularly call your attention to the latter part of the resolution (pointed), and will you read to us next to the last paragraph on page two; it is a very short paragraph?

A Read it orally?

Q Yes, sir?

A This paragraph?

Q Yes, sir?

A "Be it" -- this is in quotes, quote, "Be it resolved that the

Senate and House of Representatives, both houses concurring, do hereby adopt the statement of the Southern Governors and do hereby call the attention of the public to the fact that the directives and policies of the Secretary of Health, Education, and Welfare go beyond the law and court decisions, and create confusion and chaos, and that such rules and directives jeopardize the future of public education."

Q Now, did you, sir, send a copy of this particular resolution to the various State and County Superintendents on or about September 3, 1965?

A I sent it to some State and County Superintendents.

Q Now, let me show you, and may I call to your attention, the latter part of the resolution, next to the last paragraph, and the last paragraph; will you read that to us, please, sir; they are very short?

A Orally?

Q Yes, sir?

A "Be it resolved by the Alabama State Board of Education" --

Q The paragraph before you get to that?

A "Whereas, any action taken by local school boards in excess of minimum requirements of laws and court orders could jeopardize the continued support by the public of public education."

Q And the last "Be it resolved" portion?

A "Be it resolved by the Alabama State Board of Education that the Superintendent of Education advise all local boards of education

that it is in the public interest that such boards take no action in the administration and execution of compliance plans which are not required by law or court order and that the Superintendent of Education advise those school systems which have submitted plans not to follow any course of action in the execution of said plans that would go beyond those required by court precedents or the law."

Q Now, Dr. Meadows, is it true that this resolution of the State Board of Education embodies a State policy that the minimum desegregation requirements of the courts and of federal administrative agencies can constitute the maximum action allowed to local authorities under the State educational policy?

MR. SMITH: We object to this, if the court please; we think the resolution will speak for itself.

MR. GRAY: Your honor, I am asking him what he understands as Superintendent of Education.

JUDGE JOHNSON: Let him answer it.

JUDGE RIVES: The court thinks he should answer the question; objection will be overruled.

A My understanding is what is in the resolution; no more, no less.

Q Is it your understanding, Doctor, that if a court says that you are to integrate five grades, do you understand the State Board, or do you understand as State Superintendent, that the most that that local Board can do is integrate five grades?

A I do not understand that that is the most it can do, but this

resolution states that that, in the opinion of the Board, is the most it should do.

Q And the resolution --

A And the resolution speaks for itself.

Q It -- as you understand it, does it restrict the Board -- the local Board's action to what the court says as the maximum it can do?

A No.

Q It does not restrict it?

A No.

Q What do you understand it to do?

A I understand it just what it -- it says; it is the opinion of the Board that they should not go beyond that, but the local School Boards -- have said over and over, local School Boards have local autonomy and that --

Q Is it your opinion that that is all the local School Boards should do?

JUDGE RIVES: I don't think the question is what Dr. Meadows' individual opinion is.

MR. GRAY: As Superintendent of Education is what I mean.

JUDGE RIVES: The question is what this resolution directed or advised.

A I stand on what the resolution says.

JUDGE RIVES: Well, he is asking you, though, if the

resolution advised that the minimum requirements as to desegregation be observed?

WITNESS: That is my recommendation.

JUDGE RIVES: That was your recommendation?

WITNESS: Yes, sir.

JUDGE RIVES: I think that covers the question.

WITNESS: Yes, sir.

Q Do you recall, Dr. Meadows, in September of 1965 sending a wire to the various County and City Superintendents in the State asking them to wire immediately the number of Negroes enrolled in white schools and the total number of grades in which enrolled; do you recall that? May I show you a copy of what is Government's Exhibit --

(Mr. Gray conferred with Mr. Zarr)

Q A copy of a typical telegram that is introduced as Government's Exhibits 6 through 11, and ask you, do you recall --

A Yes, I recall sending that wire to certain Superintendents.

Q Did you -- do you know whether or not you received a response?

A No, sir; we received some responses, but I don't remember whether we received them from all of them or not at that time.

Q Now, I call your attention, sir, to Government's Exhibits 15 through 25, and ask you whether you recall sending a typical copy of that telegram to certain City and County Superintendents? And will you -- will you read that, it is very short, telegram so the court will know what we are talking about?

- A "We cordially invite and urge you to attend a meeting to be held in the auditorium of the Administration Building, State Capitol, Union Street, Montgomery, Alabama, on Tuesday, September 7, 1965, at ten a.m. George C. Wallace, Governor, James B. Allen, Lieutenant Governor, Albert Brewer, Speaker of the House of Representatives, Austin R. Meadows, State Superintendent of Education." I joined in the sending of the wire.
- Q Was a wire sent to each city and county school system in the State?
- A It is my understanding that it was.
- Q Now, did such a meeting occur on September 7, 1965?
- A Yes.
- Q Where did the meeting take place?
- A Where it was called.
- Q Who were present; did you attend the meeting?
- A Yes.
- Q Did the Governor attend the meeting?
- A Yes -- excuse me; yes.
- Q Did the other persons who signed the telegram --
- A Yes, the Governor attended the meeting.
- Q -- attend the meeting? What was discussed at that meeting? Let me -- I withdraw that. Tell us whether or not the matter of the HEW guidelines were discussed at that meeting?
- A Yes, the guidelines were discussed, '65 guidelines, '65-66 guidelines were discussed.

- Q Did you -- did the Governor discuss them at that meeting?
- A The Governor presided, and assistants discussed them; I don't remember what the Governor said.
- Q Were -- did you make any address at that meeting?
- A I wouldn't call it address; I made statements.
- Q Did you make any statement concerning HEW guidelines?
- A I remember my statements with reference to the guidelines were about this problem of getting into court on the guidelines, and I remember asking the question, how could we get into court on the guidelines; and I remember making the statement that we had tried to carry out the '65 guidelines as best we knew how, with that on a freedom of choice basis.
- Q Now, in '60 -- in the meeting in '65, as a result of that meeting, were any recommendations made by you as to what action, if any, should the local State Boards of Education take?
- A Do you have any document there on that?
- Q No, sir?
- A I don't remember making any statements, because we -- we -- we talked at length there in that meeting.
- Q Do you recall whether or not at the conclusion of the meeting in September of '65, whether the Governor or anyone else at the meeting made any suggestions or any recommendations as to the procedure that the County and City Superintendents should follow with respect to HEW regulations?
- A According to my memory, and it is purely memory, the Governor

announced that a committee of attorneys would draw up recommendations for local School Boards to use in proceeding thereafter.

Q Was the Governor going to supply this group of lawyers to draw up these recommendations?

A I don't know.

Q Do you recall whether or not any such regulations were drawn and whether --

A I never -- I never did see them if they were.

Q Are you familiar, generally, sir, with the HEW guidelines for 1966?

A To some extent; yes.

Q Approximately when did you receive a copy of the guidelines?

A I don't remember; the guidelines were sent directly to County and City Boards of Education without clearing through my office; I did not get form 441-B until after I had wired for the form for several times. That was a complete violation of our understanding with the U. S. Office of Education in dealing with local school system, and was a complete break of what had been done in the past --

Q But --

A -- of sending guidelines direct to local School Boards.

Q Did you receive ultimately a copy of the guidelines sometimes, sir, in March of 1966?

A I received them sometime; I don't know when I received some -- I don't know whether I have ever received all of them or not.

Q Now, subsequent to the time you received or knew that the 1966 guidelines had been issued, did you call a meeting of the County and City Superintendents of Education? Sir? Do you recall, Dr. Meadows, whether or not you called a meeting of the City and County State Boards of Education?

A County and City Superintendents of Education?

Q Yes, sir; after you became aware of the 1966 guidelines?

A Yes.

MR. GRAY: Mark this, please.

THE CLERK: Plaintiffs' Exhibit number 3 for identification.

WITNESS: Was that the March 31 meeting?

Q I show you, sir, Plaintiffs' Exhibit 3 for identification; tell us what that is, please, sir?

A This is a request to County and City Superintendents of Education to meet at State Department of Education at ten a.m., Thursday, March 31.

Q Did you send that communication; if so, when?

A To all County and City Superintendents.

Q When was it sent?

A Dated March 28.

MR. GRAY: We offer --

JUDGE RIVES: 1966?

WITNESS: 1928, or March 28, 1966; yes, sir; for a meeting on March 31.

MR. SMITH: No objection.

MR. GRAY: We offer this in evidence.

JUDGE RIVES: It may be received in evidence.

Q Dr. Meadows, what was the purpose of that meeting?

A The purpose was stated in this letter, and I -- in this letter -- "I am calling a conference of all County, City Superintendents of Education, the Chairman of each County Board of Education and Chairman of each City Board of Education, one other person designated by you either as legal counsel or an additional Board member." "The Governor will discuss some of our complicated problems at that time. I will summarize as best I can some of the contentions at the last four regional meetings with federal officials on Title Four and Title Six of Civil Rights Act."

Q All right.

A You want any more?

Q No, sir; I just wanted generally the purpose of the meeting. Was such meeting held, sir?

A Yes.

Q Was it held at the time and place indicated?

A Yes.

Q In your communication? Who conducted that meeting?

A I was Chairman of the meeting.

Q Did the Governor attend the meeting?

A Yes.

Q Did you speak at the meeting concerning the HEW newly published

guidelines?

A Yes, with reference to Title Six and Title Four of the Civil Rights Act of 1964.

Q Did the Governor speak at that meeting, also?

A Yes, he spoke.

Q What did the Governor say?

A I don't remember what all the Governor said; I remember that he again urged School Boards not to go beyond what was required by law and what was -- by the courts.

Q Did he speak in favor of or against the HEW guidelines?

A He did not speak in favor of the 1966 HEW guidelines.

Q Did he speak against the HEW guidelines?

A That is an opinion decision on my part; in my opinion, he spoke of the conflicts in the guidelines and of their being in violation of Title Four and Title Six of the 1964 Civil Rights Act.

Q Now, was this a closed meeting of the State Superintendent of Education, the Governor, and -- and these other Superintendents; was the meeting open to the public?

A I don't remember a press reporter being there; it seems to me there may have been one there, but the auditorium was filled up, as far as that is concerned, with people invited.

Q Was that reporter later ejected when he was discovered?

A Not in that meeting that I know of; no.

Q He remained throughout the meeting?

- A Well, if there was one there, he did.
- Q What was his name?
- A I don't remember. I don't remember for sure whether there was one there or not.
- Q Now --
- A But there was no reporter ejected in the March 31 meeting.
- Q Not in the March 31 meeting?
- A No.
- Q What meeting was it that the reporter was ejected?
- A You have the reference there to the other meeting that was held over on Union Street.
- Q All right, we will go -- that was the June 6 meeting, I believe, but we will get to that.
- A June 7 -- no, the one that was -- I don't remember the date now; you would have to look back at the reference to get it.
- Q All right. At the conclusion of that meeting, was a vote taken with respect to what action, if any, should be taken with respect to HEW guidelines?
- A I think you have a copy of the resolution that was passed there at that meeting. Do you not? By the local Superintendents?
- Q Will you tell us in essence what did that resolution provide, or do you have a copy of it?
- A I don't -- I didn't bring any of those copies with me.
- Q Do you recall whether or not the resolution adopted at the meeting charged that the guidelines set forth by HEW exceeded

the limits imposed by the 1964 Civil Rights Act?

A It is my opinion that it did.

Q Did that resolution specifically object to that part of the guidelines which provided for faculty desegregation?

A It is my judgment that it objected to any federal agency taking any action because of any employment practice; that is the terminology that I used consistently with it, and to the best of my judgment, though, I don't remember exactly that that would be what that resolution said without a copy of the resolution, I wouldn't know the exact wording.

Q Did that include the -- the matter of assigning, say, a Negro teacher in a white school?

A Well, it would include withholding federal funds by any federal agency because of any employment practice of a County or City Board of Education.

Q Would it include the type situation I have just indicated?

A Yes, it would include it if the local Board of Education did not want to do so; that's right. It would include withholding any funds; this only addressed itself to withholding any funds, federal agency withholding any funds because of any employment practice.

JUDGE RIVES: Do you have a copy of the resolution?

MR. GRAY: Your honor, I do not; if I had, I would put it in. I was looking for it, but --

JUDGE RIVES: All right, sir.

the limits imposed by the 1964 Civil Rights Act?

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JUDGE RIVES: Do you have a copy of the resolution?

MR. GRAY: Your honor, I do not; if I had, I would put it in. I was looking for it, but --

JUDGE RIVES: All right, sir.

MR. GRAY: -- I don't believe it is in the Government's Exhibits.

WITNESS: That is the resolution --

MR. GRAY: Not here.

WITNESS: -- that was passed by the County and City Boards of Education, themselves, in the meeting; whatever resolution there is there.

MR. GRAY: However, if the defendants have a copy of it, we would be happy to introduce it.

JUDGE RIVES: If they have a copy of it, it would save all this questioning --

WITNESS: Yes.

JUDGE RIVES: -- but you may proceed.

MR. SMITH: We think there is a copy in the files of Exhibits we have handed you.

MR. GRAY: Just now?

MR. SMITH: (Nodded to indicate affirmative reply)

WITNESS: Incidentally, if it please the court, I want that folder back; that is the only copy I have. I called and asked for that back. And all correspondence.

Q Let me show you, Dr. Meadows --

A Yes.

Q -- a copy of Government's Exhibit 26, which was a telegram; will you read it for us very briefly; did you send that telegram; what does it say?

- A "I wish to invite you along with certain of the other City and County Superintendents to a meeting in my office on Wednesday afternoon, April 6, 1966, at two p.m. I certainly hope that it will be possible for you to attend this meeting. Sincerely, George C. Wallace, Governor of Alabama."
- Q Were you aware of the fact that the Governor called that meeting?
- A Yes, sir.
- Q Did you attend that meeting?
- A Yes, sir.
- Q Prior to the time this telegram was sent, did the Governor confer with you as to which Superintendents should be invited to that meeting?
- A I don't remember any details on that whatsoever.
- Q Do you know approximately how many Superintendents were invited?
- A No, sir; I don't know how many were invited.
- Q Did you attend the meeting?
- A Yes.
- Q And -- in your best judgment, would you say between fifteen and twenty Superintendents attended that meeting?
- A I -- my judgment right now, memory, the size of the Governor's office, it would be less than fifteen, but that is just a judgment factor.
- Q Now, was the HEW guidelines discussed in that meeting?
- A Yes, either directly or indirectly.
- Q Do you remember whether or not you spoke to the Superintendents

at that meeting?

A I may have made some remarks, but no speech to them that I remember of.

Q As result of this meeting, were any recommendations or suggestions made to these County Superintendents with respect to what action, if any, should be taken regarding HEW guidelines?

A Would you repeat your question?

Q As result of this meeting with some fifteen or sixteen Superintendents, were any suggestions or recommendations made to them as to what they should do with respect to the new guidelines?

A I don't remember making any, myself.

Q Do you recall, after that meeting, attending a press conference and making a statement to the press to the effect that the next step in having HEW guidelines rescinded would be a petition of Congress by southern Governors?

A I have recommended that; yes.

Q And you recommended that in this meeting I just referred to?

A At sometime or other; I don't know what meeting, but I have recommended that the Governors act on this matter.

Q Do you recall whether or not the Governor made any recommendations at that meeting?

A I don't remember any exact words that the Governor may have made on the recommendation.

Q Do you remember whether or not, at the conclusion of the meeting,

the Governor said in effect, "All of those who represent us in Washington, I call upon you to use all the influence and prestige they have to have these guidelines rescinded," or words to that effect?

A Now, who are you saying said that?

Q The Governor, at the conclusion of this meeting; do you recall whether or not he made any such statements?

A I don't remember his exact wordings.

Q Do you remember whether or not his wordings were to that effect?

A My memory is not that good.

Q Do you remember whether he said anything at all following that meeting, sir?

A Yes, I remember hearing him talk.

Q Do you remember anything that he said concerning the guidelines?

A Not in detail; no.

Q Do you remember the essence of what he said?

A Well, I don't know how far essence would go.

Q Now, as a result of that meeting, sir, will you tell us whether or not there was any suggestion with respect to executing conditional forms 441-B by the local State Boards of Education?

A I don't remember the Governor making any statement to that effect; no.

Q Do you remember whether that was discussed?

A I discussed it from time to time; yes.

Q Tell us, what is form -- HEW form 441-B?

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A I would have to have a copy.

Q Isn't that the compliance form that each of the City and County Boards were asked to sign?

A It is a 1966 compliance agreement form, not the '65 form.

Q That is what we are talking about, the '66?

A That's right.

Q So when we talk about 441-B, those are the compliance forms that HEW sent to the various County and City Boards of Education?

A That is one form.

Q One form?

A That's right.

Q Now, will you tell us whether, at your meeting, that is, the meeting on April 6, where you had some of the Superintendents, were any suggestions made in that meeting for the Boards not to execute these forms?

A My recommendation was that they put a condition in there that they did not agree for any funds to be withheld because of any employment practice, and they did not agree for any funds to be withheld because of any quota or percentage assignment of students, because they were in violation of Title Six and Title Four of the Civil Rights Act of 1964, the latter on imbalance, Title Four, or Title Four of Section 401(b), specifies that, and it is my determination that when you try to put a quota or percentage in, that is towards imbalance, and I had agreed and urged local Superintendents to agree for a

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freedom of choice for the students within a reasonable distance where facilities are available for compliance, and we had done that in the 1965 compliance agreement --

Q What I am asking you --

A -- but 1966 compliance agreement inserts these other two factors in there, and that is what I was objecting to.

Q All right; now, in the meeting of April 6 here with these fifteen or more Superintendents, did you suggest in that meeting that this condition be included in the HEW compliance form?

A Yes, I have recommended it.

Q Did the Governor also recommend that?

A He didn't recommend that; no.

Q What did he recommend in that meeting?

A I don't remember him recommending signing any of the '66 compliance agreements.

Q Did he recommend to the County and State Board -- County and City Boards not to execute 441-B at all?

A In my opinion, he did, because he thought they were in violation of Title Six and Title Four of Civil Rights Act of 1964; that is our contention.

Q Now, at the time, under the regulations, when a Board executes 441-B, do you receive a copy as State Superintendent of Education?

A No, sir; not always.

Q Do you usually receive a copy?

A No, sir; I did not; usually I had to write to get them.

Q You had a right?

A I had to write, W-R-I-T-E, to get them, in many cases, to get them.

Q Now, do you know whether or not, prior to the April 6, 1966, meeting, had any City and County State Boards of Education executed form 441-B?

A No State Board; you said State Boards, you mean --

Q I mean City and County --

A -- City and County?

Q -- right?

A Yes, I understood they had; I had copies of some of them.

Q Can you tell us any of those who had executed them prior to --

A I don't remember the names of all of the school systems.

Q Do you remember any that had executed them?

A I remember that one county, Marion County, had executed such a form, for example.

Q What about Winston County?

A Winston County; I don't remember Winston County in particular.

Q Lauderdale County?

A Well, I am sure Lauderdale County had executed it, from everything I could think of, but I don't even remember whether I had a copy of it or not, but I am sure they had.

Q Tuscaloosa County?

A I don't remember Tuscaloosa County.

Q Now --

- A Those copies were just filed with me on that. The federal Government didn't require it; I thought those -- copies of all those come through the State Department would be forwarded to Washington; that is the way we have been trying to proceed.
- Q Now, after the meeting on April 6, 1966, did you make any follow-up contacts with respect to the guidelines and the compliance?
- A I continued to be active to some degree with reference to the guidelines.
- Q I show you, sir, Government's Exhibit number 27, which has been offered in evidence, and ask you, will you tell the court what that is?
- A This is a letter to Superintendent Allen Thornton on May 10.
- Q And who is he?
- A He is Superintendent of Lauderdale County.
- Q And was that letter sent by you?
- A Yes.
- Q And what, in effect, did you tell -- did you discuss faculty desegregation in that letter?
- A Well, I better read it; "In reply to your letter of May 7, I thought I was speaking of court action in terms of school systems that are under court order. It is very clear that the U. S. Commissioner of Education had no authority to take any action in withholding funds with reference to any faculty integration or desegregation. It is also very clear that the U. S. Commissioner of Education can take no action to withhold funds for failure to

require a percentage of integration in any school under Section 401(b), Title Four, Civil Rights Act. I recommend that you not integrate teachers unless you have a court order requiring you to do so."

Q Now, just a moment; your recommendation there was that this School Board not desegregate its faculty unless they had a court order; is that right?

A "Not integrate the teachers unless you have a court order requiring you to do so."

Q Now, in the last paragraph of that letter, will you read it to us; I think you refer there to something about a mandate from the people?

A Yes; "The people of this State in every county have spoken in no uncertain terms in nominating a Governor to" --

Q I mean, not so fast?

A Sir; what -- "The people of this State in every county have spoken in no uncertain terms in nominating a Governor to oppose federal encroachment in education. In the absence of any anticipated action by the Supreme Court of the United States in time to take action for the coming year, I request that you submit reconsideration of form 441-B to the Lauderdale County Board of Education with my recommendation that the agreement dated May 6, 1966, be rescinded, with the statement, the latter statement that the Lauderdale County Board of Education operate under the 1965 approved agreement."

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Q Now, the Lauderdale County Board had already signed 440-B; is that right?

A Yes.

Q Did this Board or its Superintendent, prior to the time you contacted -- prior to the time you wrote that letter, and prior to the time they executed 441-B, did they ask your recommendation as to whether they should or should not sign 441-B?

A As I remember, it was requested orally in the meeting, regional meeting, with some of the U. S. officials, and I thought it was asked in terms of court order, and I recommended they follow the court order, whatever it was.

Q Now, was Lauderdale County under court order?

A As far as I know, they are not now, but I didn't know at that time who had gone into court order and who hadn't.

Q Did you ask them whether or not they were under court order?

A No, I didn't. But I want to call the court's attention --

Q Excuse me.

A -- that I have stated the 1965 agreement, which was still in the '65-66 year, I asked them to follow the '65 agreement, which gave the freedom of choice.

MR. GRAY: Your honor --

A I didn't ask them not to sign any agreement or just to break away from any agreement; I think the court ought to understand that very clearly.

MR. GRAY: Your honor -- your honors, I will try to

make my questions pointed, and we would appreciate it if the witness would answer --

JUDGE RIVES: Your recommendation --

MR. SATTERFIELD: If it please the court, I think the witness has a perfect right to explain his answers and should not be interrupted by counsel; he has been interrupted by counsel seven times by count.

WITNESS: What did you say?

JUDGE RIVES: Your recommendation has been made; it went in the record.

WITNESS: Okay; thank you.

- Q Now, I think you testified that you had recommended those Boards who had executed form 14 -- 441-B, that they should rescind them; is that right; you recommended that?
- A Only if they did not put the condition aforestated that they did not agree to withhold any funds because of employment practice, and they did not agree for any funds to be withheld if on basis of quota or percentage assignment of students, which broke away from the freedom of choice agreed, which I had with the U. S. Commissioner of Education, and which they had.
- Q You recommended that they not execute form 441-B as sent by HEW?
- A No, I recommended that they -- if they did sign it, to sign it with those two conditions in it.
- Q All right; now, were you successful in getting any Boards to rescind their previously executed form 441-B?

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- A I made my recommendation as a recommendation; local Boards have full autonomy; whatever they did, they did on their own. I would not say I succeeded in getting it done; I would say they acted on whatever they thought best and the recommendation.
- Q Let me call to your attention, sir, Government's Exhibit 28, dated May 11, and tell the court what is that?
- A That is a letter of May 11, 1966, addressed to one Superintendent.
- Q All right; now, did you send a similar letter to that to any number of Superintendents in the State?
- A If I didn't send it, I talked to -- orally to the Marion County Superintendent of Education.
- Q Let me call your attention, sir, to next to the last paragraph --
- A Yes.
- Q -- that has been marked in red; will you read that to us, please?
- A "I am requesting that you ask your Board of Education to rescind -- to reconsider its action in adopting form 441-B, and through you I recommend that your Board rescind agreement on HEW form 441-B."
- Q All right; approximately how many Superintendents did you send a similar letter to?
- A I don't remember that, but --

WITNESS: -- if it please the court, I would like to read the next paragraph, because I think it is germane.

JUDGE RIVES: All right, you may read it.

WITNESS: Sir?

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JUDGE RIVES: Read it.

WITNESS: "U. S. Commissioner of Education should approve continuation of school operation under the approved 1965 agreement which you made and executed in good faith, and I recommend that your Board request that the 1965 agreement be approved for continuation." Excuse me.

Q Now, I show you --

WITNESS: Sir?

JUDGE RIVES: You offer that in evidence?

MR. GRAY: Yes, sir; it is in evidence.

MR. ZARR: Government's 28; right?

MR. GRAY: 28.

JUDGE RIVES: Each of these Exhibits will be admitted in evidence as offered in the absence of objection.

MR. GRAY: Actually, your honor, these have already been admitted; they are included in the Government's Exhibits that we introduced initially.

JUDGE RIVES: All right.

Q I call your attention, sir, to Government's Exhibit number 34; isn't that a copy of the same letter? That you just read? Is that right?

A Yes.

Q Now, you made, I think in handwriting, some notations on that letter --

A That's right.

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Q -- and it refers to Allen; now, who was that letter sent to?

A That would be to Allen Thornton.

Q Now, will you read to the court your handwriting notations on that letter?

A Yes; "This letter is going or has gone to all School Superintendents and Board Chairmen that have signed unconditional 441-B agreements, twenty in all."

Q So then this letter was sent to twenty Superintendents?

A Or it was to be sent; I don't remember whether I sent them to all of them or not, but I didn't say it was sent; I said or was to be or would be sent.

Q All right.

MR. SATTERFIELD: If the court please, pardon me just a moment.

(Mr. Satterfield had whispered conference with Mr.

Gray)

Q Did -- do you know whether or not Marion County Board of Education rescinded its compliance form?

A It is my memory that it did.

Q Do you recall whether or not DeKalb County Board rescinded its execution of 441-B?

A I don't remember.

Q Do you remember whether or not Franklin County Board of Education amended its form 441-B?

A I don't remember.

THE CLERK: Plaintiffs' Exhibit number 4 for identification. Plaintiffs' Exhibit number 5 for identification. Plaintiffs' Exhibit number 6 for identification.

Q Do you know the Superintendent of Schools of Franklin County, Dr. Meadows?

A I'm --

Q I show you Plaintiffs' Exhibit 4, and ask you whether or not you are aware of the fact that Superintendent of Franklin County Schools did amend its compliance with 441-B?

A I don't remember just off hand.

Q Do you know whether or not you received a copy of that in your office?

A I am reasonably sure that a -- that a copy was sent in sometime or other, but I wouldn't be sure.

Q And this letter does indicate that they amended form 441-B?

A This letter is to Mr. Crowder --

Q Right; that is correct.

A -- and it's -- I don't know whether this is his signature or not.

Q But you were aware of this, weren't you?

A Not of this.

Q You became aware of it?

A I don't remember that.

Q You don't remember it; all right. Let me show you, sir, Plaintiffs' Exhibit 5, and will you tell us what that is? Did you receive that letter?

A Yes.

Q And who was it from?

A It was from Boyce Albright.

Q Where is he Superintendent?

A Winston County Board of Education.

Q And what change, if any, did he indicate in that letter that they were making with respect to 441-B?

A His letter states --

Q Read item one, I think?

A "The Winston County Board of Education signed HEW form 441-B on March 28, 1966, after having taken action to consolidate the existing one-teacher Negro school at Haleyville with the existing white school system in Haleyville, effective the beginning of the 1966-67 school year."

Q Now, in -- and in paragraph three?

A "It is from respect of other school systems in Alabama who are faced with a greater problem than we regarding integration and also from respect of you, the State Department of Education, and our Governor that we think it wise to withhold mailing this form to the U. S. Office of Education."

Q Now, that School Board withheld mailing its form in respect --

A That is what -- that is what they said.

Q -- in respect -- with respect to you and the Governor and the State Board?

A That is what he said.

MR. GRAY: We offer this in evidence.

A I don't know what he did.

JUDGE RIVES: It may be received and so marked.

MR. SATTERFIELD: What was that number?

THE CLERK: 5.

Q I show you, sir, Government's Exhibit 36, and ask you if you will identify that for us, please?

A This is a resolution unanimously approved by the Governor, the Lieutenant Governor, and the State Superintendent of Education, and the Speaker of the House, and the Alabama congressional delegation, U. S. Senators and Representatives, Montgomery, Alabama, May 13, 1966.

Q All right. Dr. Meadows, did you on or about May 16, 1966, send a copy of that release to the various local School Superintendents?

A Yes.

Q What was the purpose of -- in effect, what does the resolution -- what does it do, what does it say; not reading the entire thing, but what -- what does it concern?

JUDGE RIVES: The resolution is in evidence, is it not?

MR. GRAY: All right.

WITNESS: Yes, sir.

JUDGE RIVES: The court -- the court can read the resolution.

WITNESS: Thank you, sir.

Q What was the purpose in circulating this resolution to the various Superintendents, local Superintendents?

A Inform the County and City Superintendents of the action taken.

Q Did the State Board on or about May 19, 1966, pass a resolution dealing with the guidelines?

A You have such a resolution, do you not?

Q I show you Government's Exhibit 37.

A Yes.

Q Did that resolution request and recommend to the local School Boards to withdraw signed guidelines agreements?

A Recommended, "That local Superintendents and Boards of Education withdraw any 441-B signed agreements for the new -- for the new guidelines, because the guidelines erroneously attempt to desegregate teachers and set up quota or percentage ratios of pupils in schools, both of which are in violation of Civil Rights Act."

Q All right.

WITNESS: I would like to read the last paragraph, if the court pleases.

MR. GRAY: All right, sir.

WITNESS: "Be it further resolved that this Board recognizes the autonomy of local Superintendents and Boards of Education in their own action in the matter, but does hereby request and recommend that they withdraw signed guideline agreements which are illegal and which attempt to usurp the powers and duties of

local Superintendents and Boards of Education." Thank you.

JUDGE RIVES: It is my understanding all these Exhibits are already in evidence --

WITNESS: Yes, sir.

JUDGE RIVES: -- and the purpose of this oral examination was mainly just to call attention to some highlights.

MR. GRAY: Yes, sir.

JUDGE RIVES: I wish you would expedite it as much as you can.

WITNESS: All right.

Q Doctor, you made any number of releases to various City and County Boards of Education; what basis do you use in determining whether or not a resolution should or should not be sent to the City and County Superintendents?

A My judgment as State Superintendent of Education over long period of time, or unless it addresses itself to the County and City Superintendents; if it does, it goes automatically.

Q And did you send to the City and County Boards of Education all resolutions adopted by the State Department of Education concerning HEW guidelines?

A State Department does not adopt any resolution.

Q State Board of Education?

A I don't remember whether I did or didn't.

Q Did you send any number of them?

A I sent several have been as Exhibits here already.

Q I show you, sir, Government's Exhibit 57; did you send a copy of that letter to the various City and County Boards of Education? Or Superintendents?

JUDGE RIVES: Counsel, does the statement by which these Exhibits are introduced specify who the letters were sent to?

MR. GRAY: No, sir.

JUDGE RIVES: It does not?

A I am quite certain I sent this to Superintendent Albright; I do not remember how many other Superintendents to whom it was sent.

Q Now, did you in that letter refer to Section 262 of the Constitution of Alabama?

A Yes.

Q And did you say that pursuant to that section, as Superintendent of Education, "I am requesting that no Superintendent nor Board of Education sign any such agreement and, if signed, that such Board withdraw such agreement"?

A That is a reference to such agreements that I said in the paragraph above in violation of Section 604 of the Civil Rights Act and in violation of Title Four.

Q And that was referring to the execution of form 441-B?

A It had -- that only referred to signing anything that is in violation of those two sections.

Q Well, when you said it's -- that if they had signed them, they should withdraw it, were you referring to 1441-B?

A 441-B.

Q 441-B?

A They were signed without any condition --

Q Right.

A -- in there. On those two sections, 604 and 401(b).

JUDGE JOHNSON: What Exhibit number is that?

MR. GRAY: Exhibit number 57.

Q Now, did you also --

MR. ARONSON: The Government's Exhibit 57.

Q -- did you make a further request to each Board with respect to reporting to you on what action they had taken with respect to the execution of 441-B? By a certain date? The last paragraph.

A Yes; any action taken or not taken.

Q All right; so you asked every -- every Superintendent to send back to you by --

A Yes, sir.

Q -- May 30 what action their Board --

A That's right; if they had not already done so.

Q All right.

JUDGE RIVES: Any of this that already appears in writing --

WITNESS: Yes, sir.

JUDGE RIVES: -- the plaintiff has reference to --

WITNESS: Yes, sir.

JUDGE RIVES: -- unless necessary, don't ask it of the witness; in other words, most of these writings speak for

themselves.

WITNESS: That's right.

MR. GRAY: There is --

JUDGE RIVES: You have ample opportunity to point out what you want to point out.

MR. GRAY: There are certain of these, your honor, later on we will connect with other material --

JUDGE RIVES: That is all right.

MR. GRAY: -- that isn't apparent on this.

JUDGE RIVES: Allow both sides all latitude possible; if we take up each one of these writings and go over them individually, we will be here a long, long time.

Q Now, sir, did you receive a report from the various County Boards responding to your May 20 letter by your deadline set out in that letter?

A I received many reports; I don't remember whether I got them all by the deadline or not, but I got most of them, I am sure.

Q Now, did any School Boards fail to make a report to you on what it had done with respect to HEW guidelines?

A I don't remember.

Q You don't remember?

A No.

Q Do you recall sending to certain City and County Boards of Education a telegram saying, "May 24 letter requesting report approved by State Board of Education" -- strike that. Do you

recall on or about the 2nd of June sending to certain City and County Superintendents a telegram saying, "May 24 letter requesting report approved by State Board of Education on your Board's action on HEW guidelines not received, and no such report will be necessary -- and all" -- I am sorry -- "and all such reports will be necessary before any further distribution of any funds to your school system"?

A Yes, I sent such a wire.

Q Did you send that telegram?

A I sent such a telegram; yes.

Q And isn't it a fact, Dr. Meadows, that you sent some seventeen telegrams like that?

A I sent several; I don't remember exactly how many.

Q If the records of Western Union were to show --

A Yes.

Q -- that you sent such telegrams to Ozark City System, Russellville City, Winfield City, Alexander City, Enterprise City, Fairfield City, Florala City, Opelika City, Opp City, Chilton County, Clarke County, Conecuh County, Cullman County, Etowah County, Greene County, Lamar County, and Shelby County, isn't it a fact you did send such a similar telegram to each of those Board -- systems?

A Yes.

MR. SMITH: We object to the form of this question, if the court please.

JUDGE RIVES: You asking him if the doc--- if the records of the telegraph company disclose that he sent those telegrams, would he concede that he sent them; is that your question?

MR. GRAY: That's right; yes.

JUDGE RIVES: I don't know that you kept it in that form, but that is what I understood by it.

MR. GRAY: That is what I started --

MR. SMITH: We don't object to the latter part of the question.

JUDGE RIVES: You can ask him directly whether he did say that.

Q Did you send telegrams --

A Yes, sir.

Q -- to each of those school systems?

A I sent telegrams to the school systems that had not reported.

Q And was it approximately seventeen of them?

A I don't remember the exact number.

MR. GRAY: This telegram, your honor, is in evidence as Government Exhibit 66.

JUDGE RIVES: All right, sir.

Q Now, Dr. Meadows, was a meeting called of local Superintendents to be held on June 6, 1966?

A What meeting is that?

Q A meeting of --

JUDGE RIVES: Feel free to show him the documents so

he can refresh his recollection.

Q Let me show you Government -- copy of Government's Exhibit 58.

A Yes, I sent such a request.

Q And where was that meeting held?

A It was held at -- it stated here it was held in the auditorium, State Administration Building, on Union Street; it states that in here.

Q Who presided at that meeting?

A I presided over the first part of it dealing with the School Superintendents electing members of the State Textbook Committee by congressional district.

Q Now, was there anything else discussed at that meeting?

A After that meeting was over, the Governor talked to the Superintendents.

Q Did the Governor talk to the Superintendents concerning NEW guidelines?

A Oh, yes.

Q And what did he tell them with respect to those guidelines?

A What did you say?

Q What did the Governor tell the Superintendents at that meeting?

A His admonishment to the Superintendents that they had full local autonomy to do whatever they and their Boards thought should be, but he recommended they not go further than the Civil Rights Act, itself, went, nor go beyond what the courts required.

Q And he recommended, did he not, also, that they should not sign

B-441 -- 441-B in its present form?

A Because he thought it exceeded the guidelines -- exceeded the Civil Rights Act of 19 --

Q Now, were you present in that meeting?

A Yeah.

Q When the Governor stated to those assembled that if the local Boards would insist on signing 441-B without the amendment, that he would carry the fight to the people by going to the individual areas and holding mass meetings?

A I don't remember the Governor making that exact statement; no; I am sure he --

Q Do you recall --

A -- I am sure he didn't make it, that exact statement.

Q Do you recall him making a statement similar to that?

A Oh, he made some statement about that he would go to the people with reference to this whole matter of local autonomy and local school systems be allowed their own local autonomy; yes.

Q He mentioned about holding mass meetings in various areas throughout the State, did he not?

A Various might go a little too far; I would think his thinking was on a few that he thought had gone beyond what the Congress required and beyond what the courts were requiring.

Q What were those few he thought had gone too far?

A I think we all agreed we thought Lauderdale County had gone beyond what the law required or the courts had been requiring.

Q Do you recall --

A That is certainly one.

Q -- any other county?

A That is the one I recall most vividly.

Q Now, were you also present when the Governor was talking, and in that same conversation do you recall him saying that if such meetings became necessary, that is, these mass meetings, that he would be accompanied by Lieutenant Governor Allen, Speaker of the House Brewer, and you, State Superintendent of Education?

A Yes.

Q He said that?

A Yes.

Q And did he further say that if it became necessary to hold such meetings, that he would present his side of the case, and then after he had given his feelings on the matter, it would be left up to the local Board members to explain to the assembled group why their children were going to school with Negroes and why Negro teachers were teaching their children?

A I don't remember that much detail; I remember that he did say that if he held such a meeting, the opportunity would be given to local School Board members about which the meeting was held to explain their viewpoints on it; I remember that much of it.

Q Didn't he also say that he would let them explain why Negro teachers were teaching white children?

A I don't remember that part of it; I don't say he said it or didn't say it.

Q You don't deny that that was said?

A I say I don't know whether he said it or didn't say it; I don't remember.

Q Had you agreed with the Governor, sir, to accompany him on such meetings if it became necessary?

A He made the announcement, and I didn't demur against it.

Q Now, was one of these -- do you recall, sir, on or about July 29, 1966, sending telegrams to local Superintendents requesting the number of Negro teachers assigned for 1966-67 to white schools, and let me show you, sir, Government Exhibit 91?

A Yes, I sent such a wire, to certain School Boards.

Q To certain -- which School Boards?

A I don't remember which ones; I later sent a letter to all of them, a questionnaire asking all of them to give me that information.

Q But wasn't -- wasn't this telegram sent to those School Boards who had executed unconditionally form 441-B?

A I don't remember whether they were; some would be included in that, I am sure.

Q Do you recall whether you received any response from that telegram?

A I got some answers back; yes. But I later sent out a questionnaire to get the total picture; you have a copy of the questionnaire and the answers.

Q Was there any subsequent communication between you and the Boards

who had assigned Negro teachers to white schools? After you sent the wire, and they sent back a communication saying that, "We have Negroes who have been assigned to white schools," did you make any further contact with those Boards?

A I did later on; yes; in that questionnaire.

Q I mean other than in the -- what did the questionnaire request?

A Questionnaire requested the assignment of teachers in any -- in a school predominantly white of the opposite race, and of teachers in a school that was predominantly Negro of assigning any white teachers to that school, and also with reference to librarians and others that that questionnaire -- you have the questionnaire when you get to it.

Q Right; but didn't you send some individual communications to the Superintendents who had assigned Negro teachers to white schools, other than the request for the numbers?

A Later I sent a communication; you have a copy of it.

Q Do you remember what School Boards, sir?

A I sent a copy of a letter to all School Boards with reference to that question.

Q Did you send, sir, a specific letter to the Lauderdale --

A I sent one letter to Tuscaloosa County Board of Education, and then followed that with a general letter setting forth the principles involved to all School Boards. You have copies of that, should have.

Q Do you recall whether or not Tuscaloosa City and Tuscaloosa County

assigned Negro teachers to white schools?

A Yes, sir.

Q What schools were involved, and how many Negroes?

A In Tuscaloosa County, one teacher was assigned to the County high school at Northport, the -- to teach English, and a hundred and sixty-four students in the -- in the high school, different classes, and then one was assigned at Holt to teach the seventh grade mathematics, had a hundred and sixty students in it.

Q Who is the Superintendent of Tuscaloosa County?

A Woodrow Elliott.

Q Did you urge Dr. Elliott to resegregate the faculty in his school system?

A I have urged all of them not to do anything with reference to receiving federal funds because of employment practice.

Q What I am asking you specifically, sir, is with respect to Tuscaloosa, did you ask Dr. Elliott to reassign the Negro -- Negroes who had been assigned to the white schools back to the Negro schools?

A I -- as I remember, I urged him to reassign them, those two teachers, because of the petitions came in, over three thousand to his office, and the Governor's office reported over six thousand people that opposed it, but it was still a matter of local option whether he did or didn't.

Q Now, did you have any communication -- who is -- did you attend a meeting of the County Board of Education of Tuscaloosa urging

that the Negro teachers be returned to Negro school?

- A I did at a meeting with the County Board of Education that they held in executive session, and discussed all of the problems involved.
- Q And did you in that meeting suggest to them to return the Negro teachers to the Negro schools?
- A I don't remember saying that in that particular meeting; I proposed an alternate plan to them.
- Q Let me see -- Doctor, I would like to read to you excerpt from the Tuscaloosa County Board of Education minutes of October 18, 1966--

MR. SATTERFIELD: I ask counsel if that has been introduced as an Exhibit?

MR. GRAY: No, it has not; I will --

JUDGE JOHNSON: Government Exhibit 96; Government's Exhibit 96.

- Q Let me read to you an excerpt from this and see if it refreshes your recollection; "After discussing the matter with Dr. Meadows, it was agreed that the Superintendent should be present. The Board Chairman called Dr. Elliott from an adjoining room, and Mr. Ray left the meeting. Mr. Singleton then called on Dr. Meadows, who had requested this meeting, to present the plan. Dr. Meadows reported to the Board that he had been requested by Governor Wallace to offer the Tuscaloosa County Board of Education two additional teacher units for the rest of the year, one to be placed at Tuscaloosa County High School, and

the other at Holt High School. These units were to be offered on the condition that the students that are attending a teacher of a different race be allowed the freedom of choice"; do you recall discussing this with that Board?

A I don't remember telling them that the Governor requested it; I don't remember saying that at all.

Q Did the Governor ask you to go over and talk this over?

A I talked this over with the Governor, but I took action on my own as State Superintendent of Education on that issue.

Q Did you advise the Governor that you were going to do this?

A I told him that I was going to propose that because of all of these petitions that came in; yeah.

Q Did he indicate any objection to your doing it?

A No, sir; no, sir; he was -- he said he was -- he -- he was in accord with that proposal.

Q Was the State Board of Education -- strike that. Did the State Board of Education authorize you to make this offer?

A I didn't ask them.

Q Is it your understanding as State Superintendent of Education you possess the power to make such offer with respect to additional teacher units?

A Yes.

Q Now, did you, also, sir, as a part of that plan, inform the Board that if they elected to receive these additional teacher units, that they would have priority of additional construction funds if

necessary?

A Of their own local funds to meet any additional building needs.

Q Right; is that right?

A Yes.

Q So if two additional teachers were received, and if it were necessary to build two classrooms, they would have priority to obtain funds to build those classrooms?

A Or to get two mobile classrooms or to make any other arrangements in repairs and maintenance they wanted to, if they wanted it.

Q All right; and all of this was for the purpose of giving a child the option of being in a class taught by a member of his own race as distinguished from being taught by a member of the opposite race?

A Children, or not just a child, it would be children, and I discussed the matter, this was in terms of the parental objection of over three thousand to the Superintendent's office and a petition -- and the Governor's office reported over six thousand that opposed that, and so that if attendance situation can occur, and the Board decided to do so, that in order to improve the actual learning situation there, additional teacher would be provided at each school, or at whichever school decided to put on the additional teacher.

Q Now, subsequent -- subsequent to this offer to the Tuscaloosa County Board of Education, did you as Superintendent of Education later make a -- pronounce a general policy --

A I did.

Q -- that such additional teacher units would be available --

A I did.

Q -- to all school systems under similar circumstances?

A I did, and you have a copy of it.

Q And is the copy of that U. S. Exhibit 97?

A Yes.

Q Now, along with that, were these school systems also given the privilege if they exercised this right to have priority on construction funds if additional classrooms were necessary?

A That was not included in that letter.

Q I am saying is it available to such schools other than Tuscaloosa School System?

A No such action has been taken; the Tuscaloosa Board of Education reported to me that they didn't have room to provide for the two additional teachers; that is why this priority was proposed for them.

Q But there is no general priority on the funds situation?

A None stated yet.

Q If such Board were to exercise the right for the additional teacher units, and if they needed additional space, as would have been the case in Tuscaloosa, would they receive the same type priority?

A They would with reference to the teachers; there is no policy set yet on any priority on any additional building situation.

- Q What I am asking you, sir, if another school system were to get into the same situation that the Tuscaloosa School System was in, would you as Superintendent of Education make available to them a priority on their funds as you did for Tuscaloosa?
- A I couldn't make a priority on the funds for the building; it takes a building authority, the Education, Public School, and College Authority to do that.
- Q Did the building authority do that --
- A No.
- Q -- in Tuscaloosa?
- A It takes the Educational Authority; the Educational, Public School, and College Authority --
- Q But --
- A -- has to approve such a priority.
- Q Did that authority approve the situation in Tuscaloosa that you made available --
- A What did you say?
- Q Did the Public School Authority approve --
- A I had an agreement from the authority that that could be done in Tuscaloosa County; yes.
- Q All right; and then you would have to, in each instance, submit your proposal to --
- A For any additional building, the local School Board would have to submit it, and the local School Board would have to submit that, but we told them they would already have priority to get

a mobile classroom or whatever they wanted.

Q Would they have a priority to get mobile class units?

A Yes.

Q Would that have to go through the Building Commission?

A Yes, and the Building Commission would have to approve it, any -- anything that is not already approved.

Q Are you a member of the Building Commission?

A I am. I am a member of the Building Commission Board -- Board, but I am also a member of the Public School and College Authority, and was Public School and College Authority that would approve that, not the Building Commission.

Q Who else are members of that?

A The Governor and Mr. Seymore Trammell, the Finance Director.

Q There is three of you?

A Yes.

Q What about -- what was the other Board you mentioned?

A What?

Q What was the other Board you mentioned?

A The other Board is the State Building Commission Board.

Q And you are a member of that Board?

A Yes.

Q How many members does it have?

A Oh, I don't remember how many there are; several members. It is a large Board, relatively speaking.

MR. GRAY: Mark it, please.

THE CLERK: Plaintiffs' Exhibit number 7 for identification.

Q Dr. Meadows, do you remember whether you received a -- a letter from a Mrs. Wilson in Molt, Alabama, with respect to Negro teacher being assigned to the white school?

A I received a letter from somebody over there; I don't remember the exact name.

Q And --

MR. SMITH: We have no objection to it.

Q And do you remember answering that letter?

A I answered the letter that I received; yeah; you got it there?

Q Yes, sir.

A I furnished it to you, whatever it is.

Q Will you take a look at it and see if that is your reply?

A Yeah.

Q And do you recite in that that in effect if School Boards had followed your recommendation, this problem wouldn't exist, the latter part of paragraph one? Or it is in the middle of paragraph two?

WITNESS: If it please the court, I would like to read that paragraph referring to that.

JUDGE RIVES: All right, sir.

WITNESS: "Your letter with reference to a Negro teacher teaching in a white school is certainly understandable. From the beginning I have requested and recommended that County

Superintendents and County Boards of Education amend any federal compliance agreement to state that such Board is not agreeing to any federal funds being withheld because of refusal to employ teachers or a teacher of one race in a school of another race or to agree to any percentage or quota assignment of pupils."

Q And the next paragraph?

A "A strong stand by people like you will help to prevent assignment of Negro teachers to white schools and percentage or quota assignment of pupils from a school of one race to a school of another race. I am sorry your School Board has not followed the recommendation which I made on March 16 and on March 31, 1966, to all County and City Superintendents of Education in Alabama. If all School Boards had followed this recommendation, we would be better off. The few School Boards who signed compliance agreements to desegregate faculties and to assign pupils on a percentage or quota basis have jeopardized the other school systems because the federal officials conclude that if a few School Boards agree to such integration, other School Boards can be browbeaten into doing likewise."

MR. GRAY: We offer that in evidence.

JUDGE RIVES: All right, sir. At this time, we have have been going about two hours, court will take a ten minute recess.

COURT CRIER: Court will be in recess for ten minutes.

(At which time, 11:28 a.m., a recess was had until 11:40 a.m., at which time the trial continued)

JUDGE RIVES: All right, the court will come to order, and you may proceed.

MR. GRAY: Read --

JUDGE RIVES: You may proceed, Mr. Gray.

MR. GRAY: Please read the last question back, please, sir. Just one moment before you read that. May it please the court, the Government has prepared some notebooks of Exhibits which are now ready, and Mr. Barrett would like to present them to the court at this time.

JUDGE RIVES: All right, sir.

MR. BARRETT: If the court please, for the convenience of the members of the court, and also of counsel, we have prepared duplicate copies of many of the Exhibits that are being referred to during the course of the present testimony, and if the court wishes, rather than wait until we commence presentation of our own case, I will --

JUDGE RIVES: Yes, sir.

MR. BARRETT: -- present --

JUDGE RIVES: I think they will be very helpful, Mr. Barrett.

(Mr. Barrett presented notebooks)

MR. BARRETT: I am embarrassed to note that there is a typographical error on the very first page, the reference to the year 1966 in the date should be 1965. We will prepare substitute pages to substitute. I have also noted that on the first list, first

page of the Government Exhibit list, Exhibit numbers 13 and 14 should be indicated as bearing the date or the year 1965 rather than 1966.

JUDGE RIVES: All right, sir.

MR. BARRETT: I believe the same is true of number 12; that is correct.

MR. GRAY: Mr. Henderson, if you will, read that back, please.

(Court reporter read for Mr. Gray)

- Q Dr. Meadows, are you familiar with what was House Bill 446, commonly known as the anti-guidelines bill?
- A Somewhat familiar.
- Q Did you discuss this bill and its contents with the Governor?
- A Yes.
- Q Did you discuss it with him prior to or subsequent to the time it was introduced in evidence -- I mean prior to the time it was introduced in the Legislature?
- A I did not discuss it with him before it was introduced personally, orally.
- Q On March 22, did you take part in a resolution of the State Board of Education expressing support to that bill?
- A Did I do what?
- Q Let me show you -- just a minute -- yes, on August 23, I am asking whether or not you were present when that resolution was adopted?

A By the State Board?

Q Yes, sir?

A Yes, sir; I have been present when everything was dumped with the State Board, on the State Board of Education.

Q And I am referring to the Government's Exhibit 93; is that a copy of that resolution?

A Yes.

Q Now, sir, did you on or about August 23 issue a statement to the Legislature recommending this bill? And I will show you --

THE CLERK: Plaintiffs' Exhibit number 8 for identification.

Q I show you, sir, Plaintiffs' Exhibit number 8, and tell us what it is, please?

A Yes.

Q What is that?

A That is a statement to the joint meeting of Senate Finance and Taxation Committee and House Ways and Means Committee, August 23, '66, Senate Bill 229 and House Bill 446.

Q That is your statement before them?

A Yes.

Q Did you circulate that to the various Superintendents?

A I don't remember.

Q But it is your statement --

A Oh, yes.

Q -- on the anti-guidelines bill?

A My statement.

MR. GRAY: We offer this as Plaintiffs' Exhibit number 8.

Q Did you, sir, on or about August 29 submit a message to the Legislature -- I'm -- that is all right; strike that. Dr. Meadows, are there any records in your office which would reflect what you as State Superintendent of Education has done in the past two years to promote and encourage public school desegregation in the State of Alabama?

A Whatever has been done in writing, you have a copy of it.

Q Can you think of any single document in your office which would reflect something that you have done as State Superintendent to promote and encourage public school desegregation?

A I approached the matter from nondiscrimination, which is what is in the Civil Rights Act, Title Six; Title Six nowhere mentions desegregation or integration; but I have encouraged them to follow court orders in writing; I have encouraged -- encouraged them to not discriminate against any race whatsoever. And I -- that is what -- that is why I keep going back to '65 guidelines, I have recommended that they sign the '65 guidelines, that -- those that wanted to.

Q Have you encouraged, by release or otherwise, to the State Superintendents of Education --

A State Superintendents?

Q I am sorry; local Superintendents of Education --

A Okay.

Q -- to abolish a dual system of education in their counties based on race?

A Would you repeat your question?

Q I am asking you whether or not you have recommended or encouraged any Superintendent of Education to abolish segregation in his particular school system?

A No, I don't remember it; because I approach it from discrimination, nondiscrimination if that is necessary; I have told Superintendents if this is necessary to not discriminate, to integrate pupils, and then you must follow that and abide by that in your opinion, you should do it.

Q Would any records in your office show any affirmative act which you have done in the last two years?

A Whatever they are, I have already furnished to you.

Q Can you relate to this court or refer to this court any written document in your office or release of any sort that you have sent to City and County Boards of Education in which you encouraged or promoted the elimination of segregated school systems in this State?

A No. I approach it from nondiscrimination viewpoint.

THE CLERK: Plaintiffs' Exhibit number 9 for identification.

MR. ZARR: Fred, it is already in; it is already in.

MR. GRAY: As what?

MR. ZARR: 81.

MR. ARONSON: Government 81.

MR. GRAY: I think this Exhibit is already in, so if you will, just let me --

MR. ARONSON: We withdraw it.

Q I would like to call to your attention, sir, Government's Exhibit --

MR. GRAY: Is it 81?

MR. ZARR: Yeah.

Q -- 81, a release is dated July 1, 1966?

A Yes, I wrote that.

Q I ask you, sir, did you prepare that release?

A Yes.

Q And did you circulate that release to the various local Superintendents of Education?

A Yes.

Q And did that release encourage segregation?

A That release does whatever it says it does, under -- under proper conditions.

Q Is it your understanding that -- that by circulating that release to the City and County Boards of Education, it would encourage them to segregate rather than to integrate?

A No. That is an editorial statement on the word, "Segregation."

Q Do you in this statement comment upon how everything is segregated, the birds and the bees and --

A Yes.

JUDGE RIVES: You might read the statement to us.

Q Will you read that?

JUDGE RIVES: Is it one of these that is in evidence?

MR. GRAY: I believe it is, your honor; we would, however -- we think this is important.

JUDGE RIVES: All right; read it to us, if you will, Mr. Gray.

MR. GRAY: Yes, sir; it is release July 1, 1966, under the signature of Dr. Meadows: "Segregation is a perfectly good word. It has been practiced down through the ages for good results. The Lord set aside or segregated fruit from the apple tree in the Garden of Eden from Adam and Eve, but Eve persuaded Adam to taste the fruit and they were both banished from the Garden of Eden and honest men and women have had to work for their living ever since."

WITNESS: That's right.

MR. GRAY: "Segregation has been used by people of the civilized world for man's greatest advancement. Matrimony, the most sacred of all bonds for men and women, is the highest type of segregation. In matrimony, husband and wife bind themselves to cleave to one another, even to the extent of forsaking all others if necessary. A great ministerial commandment has been the public pronouncement at the wedding ceremony, 'What God has joined together let no man put asunder.' Without this bond of segregation, there would be no family unit. One of the Ten Commandments forbids breaking

this human bond of segregation. Segregation is the basic principle of culture. The good join together to segregate themselves from the bad. Segregation is one of the principles of survival throughout the animal kingdom. Animals, in many instances, join their own kind to defend themselves by numbers against other animals that would destroy them without such segregated bond. Birds of a feather truly flock together. Wild geese fly across this continent in 'V' formation, but they never join any other flock of birds. Wild duck fly together and not with other birds. The wild eagle mates with another eagle and not with any other bird. Red birds mate with red birds, the beautiful blue birds mate with other blue birds, and so on through bird life. There can be segregation without immoral discrimination against anyone. Integration of all human life and integration of all animal life would destroy humanity and would destroy the animal kingdom. A time of reckoning must come in this United States on the fundamental principles of segregation and nondiscrimination which can be achieved without destroying segregation in its true sense."

JUDGE RIVES: How was that sent out, as a telegram or what?

WITNESS: Letter.

JUDGE RIVES: Letter?

WITNESS: Yes, sir.

JUDGE RIVES: To the Superintendents of Education?

WITNESS: Yes, sir.

JUDGE RIVES: All right.

WITNESS: Yes, sir; editorial statement. May it please the court, the letter had no letter of transmittal; it was just on its own, editorial.

JUDGE RIVES: (Nodded to indicate affirmative reply)

MR. GRAY: Excuse me one moment, your honor.

Q Dr. Meadows, will you tell us whether or not the rules and regulations of the State Board of Education provide for the proper construction of school buildings? Of any rules and regulations promulgated by the State Board of Education dealing with school construction?

A I furnished a copy of the J. W. Letson guide for school building construction, which I stated to you was the guide that we had been using.

Q And these are rules and regulations that the State Board has adopted?

A No, they are not rules and regulations; they are just guides for construction.

Q Are these guides -- were these guides adopted by the State Board?

A Well, the bulletin was authorized by the State Board of Education, but as guides.

Q And is this a copy?

A I furnished -- yes, I furnished you with a copy of this.

Q Let me see --

A If I didn't, I will give you this one; I gave the attorneys of the Justice Department a copy.

MR. ARONSON: He has offered that one.

WITNESS: You can have this.

MR. GRAY: All right.

Q And this is a copy --

A That is a guide.

Q A guide?

A Yes.

Q That is used by the State Board with respect to school construction in the State of Alabama?

A Yes, sir; that is a guide only.

MR. GRAY: We offer that in evidence.

THE CLERK: Plaintiffs' Exhibit number 9.

JUDGE RIVES: It may be received in evidence and so marked.

A In addition to that, I have a release of December 22 with reference to Public Law 89-10 for construction of -- plans on that; there again, that is a guide; if you don't have a copy, I will furnish that to you.

MR. GRAY: All right, we would like to have this marked and introduce it as Defendants' --

THE CLERK: Plaintiffs' Exhibit number 10.

JUDGE RIVES: Without so stating, all of these Exhibits will be admitted in evidence without objection.

WITNESS: That is all right.

Q Have rules and regulations been prescribed by the State Board

of Education providing for the grading and standardizing of public schools?

A The State law set up the six-three-three plan, but local School Boards are allowed to modify that. Birmingham has eight-four plan, and there has never been any attempt to require any particular grading, although most of the school systems follow either the six-three-three plan, as Montgomery County does, or the six-three-three plan; Mobile for a long time operated on eleven grades after the 1925 act was passed, but they now go to twelve grades. Now, then the State Board of Education has approved standards for the accreditation of high schools, and I furnished either you or the Justice Department a copy of that. We haven't had that bulletin printed yet. And the State Board of Education approved plans for accreditation of elementary schools for the first time in the history of the State, and I furnished you with a dummy copy of that; that hasn't been printed yet. And that will be -- that is the plan out for the future, but it has no reference whatsoever to race of any description.

MR. GRAY: Excuse me one moment. I think I have copies of these, and I want to introduce them. Give me just one moment, your honor; it will just take me a minute.

A Our State Board of Education has approved architect's contract forms which local School Boards execute, and the State Board of Education has approved a State contract or form for contractors to sign with local school officials, and where requested, State

Superintendent reviews and signs that; that is for building construction, and there will be some regulations in that; you have copies of that.

Q Has the State Board prescribed minimum contents of courses of study --

A Yes.

Q -- for the public elementary and high school?

A Yes; I have copies of that State course of study for high schools and State course of study for elementary schools, State course of study for vocational -- home economics, State course of study for vocational agriculture, State course of study for trade and industrial education; probably the only ones that have ever been produced in the State of Alabama, and we are very proud of those courses of study.

Q All of those were adopted by the State Board?

A Yes.

Q Has the State Board of Education fixed the minimum number of books which are compulsory in each grade of the elementary schools?

A No, there is a State law with reference to that which requires a -- has an escalator clause that states there must be as many books as necessary for each lower grade before going to a higher grade; in some cases, that will be one for one, and some other cases it will not be one for one, and -- or the State law specifies that. It also specifies that they cannot have more

than five per cent of number of textbooks on hand over the enrollment for a particular book, for a particular use.

- Q Has the State Board of Education prescribed rules and regulations for training and certification of public school teachers?
- A Oh, yes, sir; certification bulletin, you have copy of that.
- Q Has the State Board of Education determined which diplomas will be accepted from potential teachers?
- A Well, they follow the accreditation standards.
- Q Has the State Board of Education prescribed rules and regulations governing issuance of professional and special teachers' certificates?
- A The only regulation there -- you are talking about defense certificates; largely, the only regulation there is that the local Superintendent has to certify, in requesting certification of that type person, a defense certificate, that regular certificated teachers are not available, and the certificates are issued on that basis.
- Q And the State Department issues them and sets up whatever criteria is necessary?
- A I sign that based on what they certify from the local school system.
- Q What is the function of an Alabama teaching certificate?
- A What is the what?
- Q What is the function of an Alabama teaching certificate?
- A One of the main functions of a regular teacher's certificate is

to protect the public from quacks.

Q And can --

A And that is a very important function.

Q Can a person teach without such certificate?

A Not legally, without either a regular or a professional or emergency certificate in the public schools; if he does, it will be paid illegally.

Q Now, does the certificate affect minimum fund allocation?

A The State Board down through the years has allocated State minimum program funds based, first, on teacher units, for the number of teachers employed not to exceed the number of teacher units, on a salary allotment schedule by rank of the certificates, in which a higher salary is given for a rank one certificate, which in the regular schools is a person with at least a Master's degree, less salary paid for a Bachelor's degree, and then less for the others down the line.

Q Now, does the State Superintendent and/or the Board of Education have power to withdraw a certificate?

A Have power to -- the State Superintendent alone has power to cancel the certificate. On certain --

Q Do you know what the circumstances are that he is able to do that?

A Usually, it is -- well, always it has been on an immoral case; it can be immoral, or it can be for stealing money; very few school people ever steal any money, they are not used to enough money to steal it, I don't think.

- Q Has the State Board of Education prescribed rules and regulations relating to the subject and standards of teacher examinations?
- A The State Board of Education does not give teacher examinations any longer, and has not for many, many years.
- Q It has done it in the past, hasn't it?
- A But hasn't done it in the last twenty years; there has been no teacher examination authorized by the State Board or given by the State Board or any of its agents in the twenty years span that I have been State Superintendent of Education. I took one and passed it; I took two and passed them; got a second grade certificate and a first grade certificate; 1916 and 1919.
- Q Has the State Board of Education, within the past two years, expended any revolving funds for the equalization of schools?
- A There is no revolving fund, and has not been for the last two years appropriated.
- Q When were these -- are any funds expended for the purpose of equalizing facilities?
- A The State minimum program has expended for equalizing educational opportunity, which includes the State funds and the public school funds, and four mills of the local taxes pegged at the 1938 assessment, which amounts to only four million, six hundred and some seventy-six thousand dollars, most of it is through the State equalization fund.
- Q Now, upon whose recommendation are these funds expended?
- A These funds are expended based on a formula that is calculated

all the way up and down by State laws and supplemental State Board regulations to everybody, so that if any two competent people in the field of statistics calculated the program based on the standards we have, they would come out with the same answer.

Q Now, are these funds used in some instances to equalize Negro schools?

A These funds are used by local Boards of Education to equalize all schools, no exception; no race involved in it whatsoever.

Q Has the State Board of Education promulgated any rules and regulations regarding payments to local School Boards for substitute teachers who -- who replace contract teachers on sick leave?

A The State set -- Board sets up regulations for the local school system to be reimbursed for sick leave of teachers up to a certain amount, and the purpose of that is -- one purpose, of course, is that School Boards can take that money and employ substitute teachers.

Q What, if any, rules and regulations have the State Board of Education promulgated relating to dual statutory authority to review actions and orders of your County and City Boards and Superintendents in matters relating to finance and other matters seriously affecting the educational interests?

A There is no specific State Board regulation on that except there are general policies that the State Board has set in the past, and

then the laws, themselves, specify certain things.

- Q As you understand the applicable laws, do you as State Superintendent possess such power under given circumstances?
- A Yes, but it is not required that I do review it and make any decisions; the Supreme Court of Alabama has decided that it is not required.
- Q Has the office of State Superintendent of Education prepared, or any other agency of the State Department of Education, prepared contract forms to be executed between local School Boards and their employees?
- A Yes; many years ago the State Department of Education, under the direction of the State Superintendent of Education, prepared school contracts that have been in use for many, many years, which the School Boards can use or not use as they see fit.
- Q All right; has the State Board of Education prepared rules and regulations for hygienic, sanitary, and protective construction of school buildings?
- A That would be included in the guides that I have told you about, and in the contracts that are involved in it, and also the State Health Department cooperates on that and makes a review of health conditions, even the soil on which buildings have been built; we have had a very fine cooperation of the county health authorities on that, and with the State Board of Health.
- Q Does the State Board of Education or the State Superintendent have any rules and regulations regarding the number of grades in

each school maintained by local public school system?

A No such regulation required, except the general law of your six-three-three plan, or combination thereof; that is the State law on that. In survey recommendations down through the years, the survey staff, with the approval of the State Superintendent, has recommended a teacher for each grade where road conditions and where building facilities will permit, but that is a recommendation.

MR. GRAY: Thank you very much, Dr. Meadows; I have no further questions at this time.

WITNESS: Well, thank you.

MR. GRAY: However, your honors, I have -- I thought I had with me, I will get them by recess -- several documents with respect to rules and regulations on accreditation which Dr. Meadows supplied us with.

WITNESS: Yes.

MR. GRAY: I would like to introduce those at this time.

JUDGE RIVES: All right; are there any further questions from the plaintiffs for Dr. Meadows?

MISS FRANKLIN: I have a question I would like to ask.

JUDGE RIVES: All right.

WITNESS: Is she an attorney? I didn't know she was.

BY MISS FRANKLIN:

Q Dr. Meadows, would you explain precisely the criteria determining

how a -- teacher units are allotted a particular Board of Education?

A The criteria used is that the average daily attendance of each school is certified to the State Superintendent of Education by the County or City Board of Education; that average daily attendance of each school is divided by a number that is weighted so that the smaller school has a lower number of students than the larger school, eighteen pupils minimum for a small school, and goes up to twenty-nine, now, for the largest elementary school of attendance of a hundred and ninety-five daily attendance or more, and twenty-eight for high school of a hundred eighty-five or more, and that is calculated out, and that yields the teacher units, and that is it.

Q Now, you determine -- how do you determine, let's say, how many units, or how did you determine how many units the Board of Education would receive for this coming -- for this school year?

A That was the method that is being used for this school year, and -- and that has been calculated, and the units for all of the schools are totaled up, and that -- the units are furnished to the local school systems as their maximum units.

Q Pardon me; I don't think I made my question clear. I mean at what point did you determine how many teacher units a particular School Board --

A We do that just as fast as we get the attendance reports in from the County and City Boards of Education, and as fast as we can

calculate them, beginning about June 15 when they are due. Now, there is one other step; under the law, if a school system has an increase in school attendance during the year, the -- we -- the State Superintendent approves the calculation of this increased attendance to yield the additional teachers that are needed in that school system for the current year, because of the attendance during the current year increase --

Q Uh, huh.

A -- and then the -- the teachers are approved on the basis, first, of this last year's average daily attendance, then current, on the basis of this year's current school attendance.

Q Okay; once you receive the -- or you have calculated the number of teachers --

A Yes.

Q -- a particular Board of Education is due, based on information you have received --

A Yes.

Q -- from preceding year, at what time do the -- does that particular Board of Education receive the teacher units?

A It receives a statement of the teacher units as fast as we can calculate it and get it out to them, total number of teacher units.

Q That would be within the commencement of the September term?

A A County or City Board of Education has a copy of the exact formula used and can calculate its own attendance in April, May,

or anytime when it feels that it has a pretty good picture and make its own determination, and they are urged to do that; but under the law, the State has to calculate it in order to carry out the law part of it, but the local school system has the same formula they know will be used and can calculate it anytime in the spring when they feel like they have got an accurate picture of the school attendance.

Q And they would receive the teacher units or they would know how many teachers they would need by September?

A They would know -- yes, they would know how many teachers they were to have, because they know the formula for it, and they calculate it; they know that is what it will be.

MISS FRANKLIN: Thank you.

JUDGE RIVES: Any other questions from the plaintiffs?

MR. BARRETT: The Government has a few questions, your honor.

JUDGE RIVES: Mr. Barrett.

MR. BARRETT: May I have Exhibit 12? This Exhibit is in the notebook, the third one, I believe.

WITNESS: Fred, I want that back, I want that folder back; is that my folder?

MR. GRAY: It is attorney's file.

WITNESS: Oh; excuse me.

BY MR. BARRETT:

Q Dr. Meadows, I would like to call your attention to the third

page of Exhibit 12, which is a release --

WITNESS: I cannot hear the gentleman back there, Honorable Court.

JUDGE RIVES: Talk just a little louder; I can hear him very well.

WITNESS: I am a little hard of hearing; I am getting a little older, Judge.

JUDGE RIVES: I thought I was older than you.

WITNESS: I don't think so.

JUDGE RIVES: Go ahead.

Q Dr. Meadows, I would like to call your attention to the third page of the resolution of the State Board of Education, that is at September 2, 1965, which has been marked for identification as United States Exhibit number 12; I will further direct your attention to the second paragraph on the third page, which reads, "Whereas the submission of compliance plans covering all grades is beyond even the minimum requirements set by the United States Commissioner of Education," and I would like to ask you if you recall that at that time there were a number of school districts in Alabama that had submitted -- submitted desegregation plans to the United States Office of Education calling for the desegregation of all twelve grades for the coming school year, which would be 1965-1966?

A What is your question, sir?

Q My question is do you recall that at that time there were a number

of Alabama school districts that had adopted twelve grade plans?

A Yes, sir; and I recommended it orally to them that they not limit it to any grades, that they were in better position to say they were not going to discriminate against any grade than to leave the implication, "We will discriminate against some, but we won't against the others."

Q Do I understand that you are in disagreement with this resolution?

A That is what I said; if that is in disagreement, it will have to stand that way; but that was my recommendation to the local Superintendents.

Q Did you understand this resolution as calling upon the local school districts to abandon or withdraw twelve grade plans, if they had plans to desegregate all twelve grades?

A I would have to reread this; this is 1965, June 23.

Q Well, would you reread the last paragraph, "Be it resolved," you can just read it to yourself if you wish?

A Last paragraph on page two?

Q No, on page three, the same page that we were referring to?

A "Be it resolved"?

Q "Be it resolved"?

A Yes; I have read it.

Q Did you understand that resolution to mean that the State Board was calling on these local school districts to abandon or withdraw twelve grade plans, those that had twelve grade plans?

A No, I didn't understand it that way.

Q Calling your attention to the note --

A Yes, sir.

Q -- at the end of the resolution, you have testified that you sent this resolution to all of the local School Superintendents, if my memory serves me?

A I don't think so.

Q Well, my memory may not serve me --

A Yes.

Q -- but you did send it at least to some?

A I don't remember sending it to anybody.

Q Was it your regular course to send these releases to local School Superintendents?

A If my memory is correct, the State Board of Education never did approve this in the minutes; I would have to recheck the minutes to see. I did not vote for the resolution, as the note says.

Q Can you recall if, in sending out the release --

A I don't think I sent it out; I don't remember doing it.

MR. BARRETT: May I have Exhibits 13 and 14, please?

A I may have sent it out; I don't say that I didn't; but if I did, I sent it out as information with no recommendation one way or the other.

JUDGE RIVES: You will note in the Exhibit you furnished us here, it says, with reference to that release, "Sent to all Superintendents, Meadows deposition, November 25, 1966, page fifteen."

MR. BARRETT: Yes, your honor.

JUDGE RIVES: It should show that one way or the other.

MR. BARRETT: Yes, sir. That is correct; that is correct.

JUDGE RIVES: Yes, sir.

MR. BARRETT: The deposition will speak for itself.

JUDGE RIVES: Maybe if you show that to Dr. Meadows, it will refresh his recollection.

MR. BARRETT: I will.

A According to the release, I will testify that I did send it out to County and City Superintendents of Education, because in the absence of any better memory on it, that would have been the only purpose of setting it up as a release, so I will testify I did send it out to County and City Superintendents of Education.

Q Very well; thank you, Dr. Meadows.

A Thank you.

Q Do you recall whether, in sending it out as a release to the Superintendents, you included the note that appears at the end of it in United States Exhibit number 12?

A What note?

JUDGE RIVES: On page three, at the bottom of page three.

A Well, I -- since that is in the release, it would be my judgment that it was included.

MR. BARRETT: May I have Exhibit number 120? If the court will indulge me just a second.

Q Dr. Meadows, do I understand your position correctly that in your view Title Six of the Civil Rights Act of 1964 did not require local School Boards to take any action to desegregate their faculty in order to qualify for continued federal financial assistance?

A That is what I think. And I so advised in four meetings the office of Health, Education, and Welfare officials officially on it.

Q Were you aware at that time that Federal Courts in entering orders in law suits not brought under Title Six, but under the Fourteenth Amendment, had ordered that faculty be desegregated?

A Not in '66-67, as far as my knowledge is concerned, that was not done in the court, according to my understanding, in -- Federal Judges in this case nor in the New Orleans case in '66-67.

Q Was it your understanding that there was no obligation under the Fourteenth Amendment for School Boards to desegregate faculties?

A I knew --

Q Was that your understanding?

A I knew of no requirement under that to desegregate the faculty.

Q Dr. Meadows, you testified briefly regarding trade schools and junior colleges established --

A Yes.

Q -- here in the State of Alabama --

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A Yes.

Q -- and if I am correct, those are under the direct supervision of the State Board of Education and your office; is that correct?

A Right.

Q Do those trade schools have areas established from which their attendance is drawn?

A Yes.

MR. SMITH: If the court please, we object to this: I believe this goes beyond the pleadings; I don't recall any reference in the pleadings in regard to trade schools.

(Court conferred)

JUDGE RIVES: The court thinks if it has anything to do with the educational system of the State, it would be competent.

A Yes.

Q How -- how many trade schools are there, Dr. Meadows, attended predominantly by Negroes?

A Predominantly by Negroes would be the one in -- I have to always count -- one in Mobile, one, and one here in Montgomery are two, and one in Tuscaloosa is three, and one in Gadsden is four, and one in Huntsville is five.

Q Do the attendance areas of those schools cover the entire State?

A Not totally.

Q Do they substantially?

A Pretty well so.

Q What don't they cover; what portion of the State?

- A The -- the places that is not covered come -- I would say was the least covered would be southeast Alabama. See, it would be a hundred miles from here to Dothan, and busses run usually not more than fifty or sixty miles.
- Q Are the attendance areas of those schools that you have just mentioned that are attended by Negroes, are they mutually exclusive?
- A No, that is just a regulation for them to -- agreement for them to use busses to transport busses in over those areas that want to enroll in their schools.
- Q But one school draws its attendance from a -- one particular area, another school from another particular area; is that correct?
- A Primarily.
- Q Of these?
- A Primarily.
- Q How many trade schools are there attended predominantly by white students?
- A The remainder of them are -- out of twenty-six are attended predominantly by white students.
- Q Do they have attendance areas?
- A Yes.
- Q Do they cover substantially the entire State?
- A Substantially; yes.
- Q Do they overlap the areas of the trade schools attended by

Negroes?

A They overlap the areas, but not necessarily the bus routes.

Q How recently has a trade school been established by the State?

A 1925, the first ones, Alabama School of Trades, and then in 1947 there were four other new ones built, and the one at -- above Decatur there was approved, and it was brought into the picture, and the others back this past year and this fall; twenty-six in all.

Q Would you tell the court what race predominantly attends the trade schools that have been established since July, 1964?

A Repeat your question?

Q Is -- what race predominantly attends the trade schools that have been most recently established, that is, since --

A Negroes attend the new trade school in Montgomery, and Negroes attend the -- really, it is a new trade school in Gadsden, in effect, because they didn't have much there; they have a new building there, and Negroes attend the ones -- the new one in Tuscaloosa, and Negroes attend the one in Huntsville, although whites are not excluded; nobody is excluded, because of race or anything.

Q How many trade schools are there in Montgomery?

A Two.

Q One attended predominantly by whites and the other, Negroes?

A Yes, but it is not exclusive.

Q Dr. Meadows, prior to the present school year, were teacher

institutes regularly conducted in the various counties, school districts in Alabama.

A Yes. In general.

Q And was it your practice to send a form letter or memorandum to the school districts inquiring when they were going to conduct their institutes?

A Yes.

Q Were those institutes conducted on a systemwide basis, that is, all teachers would live in the system attending the same institute?

A Not in all school systems; there were in some -- I attended an institute in Marshall County, they had both races in it, myself.

Q But generally, they were separate institutes by race; is that correct?

A Yes; they had such a large group of teachers, it wasn't possible to get them all in one place that existed.

Q Does Alabama law obligate you as Superintendent and the local Boards to see that such institutes are conducted?

A The law requires that if a teacher doesn't attend an institute without an approved reason, that the teacher not be paid for that day.

Q Have you taken any action to cause the calling or conducting of such institutes this year?

A No, and I didn't before; just asked them to report to us when they were going to have them and if they wanted some of us to

help them so we could.

Q Did you make that request this year?

A No. Didn't make any request this year, because they are acquainted with it; don't need to repeat the request every year.

Q But up to this year you did; is that correct?

A It is my judgment that in the past we have asked them when they were going to hold the institute.

MR. BARRETT: Pardon me.

A One of the major reasons for that is that this last fall I and the State Department of Education have been almost overwhelmed with these applications federal -- for federal funds for these different projects, and I was invited to go to Gadsden, and I couldn't go, and to send somebody, and I couldn't send anybody, and I knew our staff was pretty well scheduled on all these new projects, and so there was no point to my asking them if they wanted somebody when I couldn't send them.

Q Mr. Meadows, I would like to show you Government's Exhibit number 121, which is another copy of the same release that we were looking at awhile ago, and I call your attention particularly to the last page, and ask you if that refreshes your recollection that in distributing that release to the City and County Superintendents you did not include the note that appears on the -- at the end of Government Exhibit 12?

A No, this does not include it; I don't know how many this was sent to.

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MR. BARRETT: I have no further questions.

JUDGE RIVES: That all the questions for the plaintiffs? No further questions for the plaintiffs?

MR. ARONSON: If the court will indulge us for one moment, your honor.

JUDGE RIVES: All right.

MR. GRAY: (Shook head to indicate negative reply)

MR. ARONSON: No further questions, your honor.

JUDGE RIVES: Gentlemen, before we proceed with the defendants, it is now twenty minutes to one; the court will take a recess for lunch for one hour, twenty minutes to two.

(At which time, 12:40 p.m., a recess was had until 1:40 p.m., at which time the trial continued)

JUDGE RIVES: Gentlemen, the defendants may proceed to examine Dr. Meadows.

MR. SMITH: If the court please, in connection with the further examination of the witness, the defendants would respectfully request the court to take judicial notice of Title 52, Section 209, Code of Alabama, 1940; this is the minimum program fund statute. And additionally, we call to the court's attention Act number 243, approved May 4, 1965, Special Session of the Alabama Legislature, which is the Alabama Public School and College Authority Act. If it will be of any assistance to the court, I have pamphlet forms of this later Act.

JUDGE RIVES: We would like to have them; of course,