

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE
DISTRICT OF ALABAMA, EASTERN DIVISION

FILED

JUL 14 1967

R. C. DOBSON, CLERK

by JCS
Deputy Clerk

ANTHONY T. LEE, ET AL.,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor
and Amicus Curiae,

vs.

CIVIL ACTION NO. 604-E

MACON COUNTY BOARD OF EDUCATION,
ET AL., JOHN D. GARDNER, as Secretary
of Health, Education and Welfare of
the United States; F. PETER LIBASSI,
United States Commissioner of Education,
and JAMES R. DUNN, Attorney, United
States Department of Health, Education
and Welfare,

Defendants.

TEMPORARY RESTRAINING ORDER AND
ORDER SETTING CAUSE FOR HEARING

In consideration of the matters set forth by this Court in the order made and entered herein on this date adding as parties defendant John W. Gardner, as Secretary of Health, Education and Welfare of the United States, F. Peter Libassi, United States Commissioner of Education, and James R. Dunn, Attorney, United States Department of Health, Education and Welfare, it appears that it is necessary and appropriate, in order to protect the jurisdiction of this Court, afford all parties to this action complete relief, adjudicate all interests relating to the subject of this action and prohibit implementation of the order of this Court made and entered March 22, 1967, from being thwarted and impeded, to temporarily restrain the newly added defendants as herein named from terminating any federal financial assistance, by virtue of the authority granted the said newly added defendants under Title VI of the 1964 Civil Rights Act, or any other federal financial assistance program, to the Lanett City School System, Lanett, Alabama, or to any other school system listed by this Court in its order made and entered herein on March 22, 1967.

Accordingly, it is the ORDER, JUDGMENT and DECREE of this Court that the defendants John W. Gardner, as Secretary of Health, Education and Welfare of the United States, Peter F. Libassi, United States Commissioner of Education, and James R. Dunn, Attorney for the United States Department of Health, Education and Welfare, together with their agents, officers, successors and all others acting

in concert or participation with them, be and each is hereby enjoined from terminating any federal financial assistance to the Lanett City Schools, Lanett, Alabama, or any other school or school system listed by this Court in the order made and entered herein on March 22, 1967, until further order of this Court.

It is the further ORDER, JUDGMENT and DECREE of this Court that this cause be and the same is hereby set for a hearing for the purpose of determining whether this temporary restraining order should be enlarged into a preliminary and/or permanent injunction, said hearing to commence at 9:30 a.m., Saturday, July 22, 1967, in the United States District Courtroom, Montgomery, Alabama.

It is further ORDERED that the Attorney General of the United States, or his designated representatives, present to this Court upon said hearing the necessary and appropriate evidence upon the issues herein involved to the extent that this Court will be enabled to fully adjudicate all matters then presented. It is further ORDERED that any and all parties in this cause, including the Board of Education of the City of Lanett, Lanett, Alabama, be and they are hereby granted the opportunity to present evidence to the Court upon the hearing scheduled for July 22, 1967, upon the issues herein involved.

The Clerk of this Court is ORDERED and DIRECTED to take the necessary steps to have the United States Marshal for this district serve a copy of this restraining order upon the Honorable Ben Hardeman, United States Attorney, Middle District of Alabama, Montgomery, Alabama, and by registered mail copies upon the Honorable Ramsey Clark, Attorney General, United States Department of Justice, Washington, D. C., and by registered mail upon John W. Gardner, as Secretary of Health, Education and Welfare of the United States, F. Peter Libassi, United States Commissioner of Education, and James R. Dunn, Attorney for the United States Department of Health, Education and Welfare.

Done, this the 14th day of July, 1967.

Richard T. Rives - By Juf
UNITED STATES CIRCUIT JUDGE

H. H. Thomas - By Juf
UNITED STATES DISTRICT JUDGE

Charles Johnson
UNITED STATES DISTRICT JUDGE