

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

FILED

SEP 23 1967

ANTHONY T. LEE, et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Plaintiff-Intervenor and
Amicus Curiae,

ALABAMA STATE TEACHERS ASSOCIATION, INC.,

Intervening Plaintiff,

vs.

LURLEEN BURNS WALLACE, in her capacity as Gov-
ernor of the State of Alabama, and as Presi-
dent of Alabama State Board of Education;
ERNEST STONE, Secretary and Executive Officer
of Alabama State Board of Education, et al.,

Defendants.

R. C. DOBSON, CLERK

By [Signature]
Deputy Clerk

CIVIL ACTION

NO. 604-E

MOTION FOR MORE DEFINITE STATEMENT

Now come the defendants Lurleen Burns Wallace, in her capacity as Governor of the State of Alabama, and as President of Alabama State Board of Education; Alabama State Board of Education and Ernest Stone, Secretary and Executive Officer of Alabama State Board of Education, and as State Superintendent, and moves the court for a more definite statement because the complaint of Alabama State Teachers' Association is vague or ambiguous as to the following:

1. The complaint does not inform defendants as to the several school boards who have failed and refused to reassign Negro teachers because of race arising from schools which have been closed, nor those who have failed to evaluate the qualifications of all members in the system in selecting members to be released as a result of closing inadequate schools.

2. The complaint fails to state the names of the teachers alleged to have been wrongfully released or the schools' boards involved.

3. The same uncertainty and ambiguity exist for the same reasons stated in 1 and 2 above as to the allegations in the complaint contained in Paragraph VIII.

Wherefore, defendants pray that the Local School Boards and the names of the affected teachers referred to in the complaint be given in a more definite statement as provided in Rule 12, Federal Rules of Civil Procedure.

MOTION TO DISMISS

These defendants also move to dismiss the action on the following grounds:

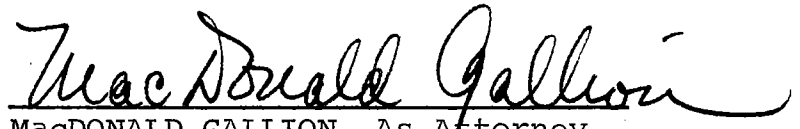
1. The complaint does not state a claim upon which relief can be granted.

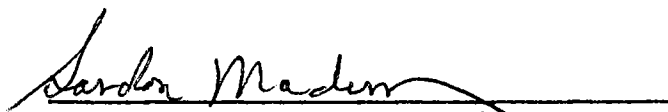
2. The plaintiffs have no standing to sue.

3. The hiring, retention, and dismissal of teachers are with Local Boards of Education subject to the State Teachers Tenure Law and no such Local Boards are made defendants.

4. This court consisting of three-judges has no jurisdiction over the matters alleged in the complaint as these matters instead are for the determination of one judge only.

5. The Local Boards of Education referred to generally in the complaint are necessary parties defendant.

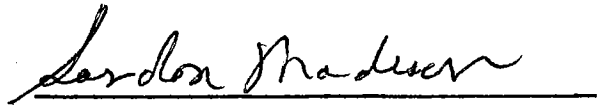

MacDONALD GALLION, As Attorney
General of the State of Alabama


GORDON MADISON, As Assistant Attorney
General of the State of Alabama

Attorneys for said defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of September, 1967, I served a copy of the above and foregoing Motion upon Gray & Seay, Attorneys, 352 Dexter Avenue, Montgomery, Alabama 36104, by United States mail, properly addressed and postage prepaid.

A handwritten signature in cursive script, reading "Gordon Madison", written over a horizontal line.

GORDON MADISON
Assistant Attorney General
State of Alabama