

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

FILED

FEB 27 1968

ANTHONY T. LEE, et al.,
Plaintiffs,
UNITED STATES OF AMERICA,
Plaintiff-Intervenor,
And Amicus Curiae,
vs.
MACON COUNTY BOARD OF EDUCATION,
et al.,
Defendants.

R. C. DOBSON, CLERK
BY JCS DEPUTY CLERK

CIVIL ACTION
NO. 604-E

NOTICE OF MOTION
AND MOTION

TO ALL PARTIES AND THE ATTORNEYS OF RECORD FOR EACH
PARTY:

PLEASE TAKE NOTICE that at 9:30 A.M., March
9, 1968, in the United States District Courtroom,
Montgomery, Alabama, the United States will move the
Court for an order requiring the defendant Alabama
State Board of Education and the defendant members
of the State Board of Education and the defendant
State Superintendent of Education to require that
all colleges and junior colleges subject to their
control:

1. Commencing with the school year 1968-69
belong to no athletic conference, league, or associa-
tion unless all eligible state colleges or state
junior colleges with interscholastic athletic programs
belong to the same conference, league or association;
and

2. Schedule interscholastic athletic contest without regard to race.

As grounds for its motion, the United States avers:

1. The predominantly white state colleges in Alabama belong to the Alabama Collegiate Conference, which consists only of predominantly white schools. The predominantly Negro state colleges in Alabama belong to the Southeastern Intercollegiate Athletic Conference, which consists only of predominantly Negro schools. The predominantly white state junior colleges that have interscholastic athletic programs belong to the Alabama Junior College Conference, which consists only of predominantly white junior colleges.

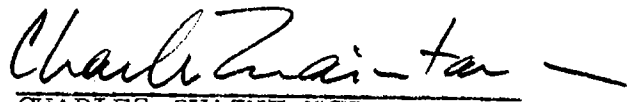
2. The predominantly white state colleges and state junior colleges in Alabama schedule athletic contests only with other predominantly white schools. The predominantly Negro state colleges and state junior colleges in Alabama schedule athletic contests only with other predominantly Negro colleges and junior colleges.

3. The State Board of Education and its members and the State Superintendent of Education have an affirmative duty to disestablish the dual system of athletics at the state colleges and state junior colleges, and they have not done so.

This motion will be based on the pleadings, papers,
and evidence on file in this case and on the evidence
to be adduced at the hearing on this motion.

Respectfully submitted,

STEPHEN J. POLLAK
Assistant Attorney General


CHARLES QUAINANCE
Attorney
Department of Justice

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 1968,
I served the foregoing Notice of Motion and Motion
upon the parties by hand-delivering copies to
Mr. Maury D. Smith and Mr. Oakley Melton and by
mailing a copy thereof, postage prepaid, to the
following attorneys of record:

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