

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

pleading - Montgomery

RECEIVED

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UNITED STATES ATTORNEY
MIDDLE DISTRICT
OF ALABAMA

UNITED STATES OF AMERICA,

PLAINTIFF

VS.

CIVIL ACTION

NO. 1741-N

GEORGE PENTON, MRS. SAMUELLA P.
WILLIS, REGISTRARS OF VOTERS OF
MONTGOMERY COUNTY, ALABAMA;

AND

STATE OF ALABAMA,

DEFENDANTS

*Filed 8-18-61
D.C. Tolson, Clerk*

ANSWER OF STATE OF ALABAMA

The Defendant, State of Alabama, without waiving its motion to quash, for answer to the Complaint, says:

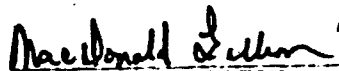
1. That the Complaint fails to state a cause of action upon which relief can be granted as against this Defendant.
2. That Paragraphs 4, 5, and 6 of the Complaint are admitted.
3. That as to Paragraph 7 of the Complaint, although it is admitted that the Defendant Board Members, as Registrars of Voters of Montgomery County, Alabama, receive and pass upon applications for registration to vote and determine whether or not each applicant is qualified to register to vote, the State of Alabama specifically denies that it may constitutionally be made liable by Congress for the alleged acts of the Boards of Registrars which are set forth in the Complaint.
4. That each and every other allegation and paragraph of the Complaint is denied.

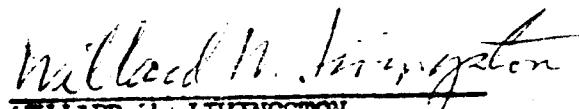
Further answering, this Defendant is informed and believes, and on such information and belief avers that the Defendant Board of Registrars have conducted the registration of voters during their term of office in accordance with the Constitution and laws of the State of

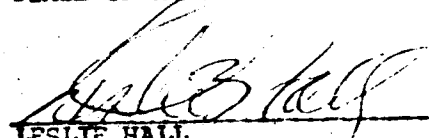
Alabama and have made no distinction in the registration of voters on account of race or color.

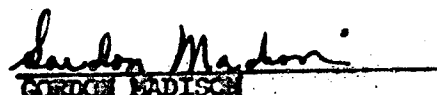
Further answering, this Defendant avers that the only legal basis for the registration of voters in the State of Alabama or in Montgomery County, Alabama, other than registration by boards of registrars, is that method which is set forth in the Civil Rights Act of 1960. Wherefore, this Defendant says that in this suit Plaintiff's Prayer No. 3 is unauthorized.

Further answering, this Defendant avers it conceives the issue in this case to be whether or not the Boards of Registrars of Montgomery County, Alabama, have in the registration of voters made discriminations or distinctions on the basis of race or color, and to confound and to confuse this issue with what could be four or five hundred separate issues as to whether or not certain individuals were entitled to be registered at the time of their applications is improper and unauthorized.


MACDONALD GALLION
ATTORNEY GENERAL
STATE OF ALABAMA

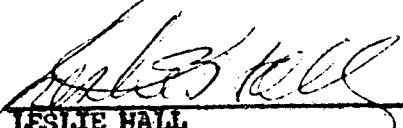

WILLARD W. LIVINGSTON
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA


LESLIE HALL
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA


GORDON MADISON
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA

CERTIFICATE OF SERVICE

I hereby certify that I have mailed, properly stamped and addressed, three copies of the foregoing Answer of State of Alabama to Honorable Hartwell Davis, United States Attorney, Federal Building, Montgomery, Alabama, and one copy of the foregoing Answer of State of Alabama to Honorable William Thetford, Circuit Solicitor, Montgomery County, Montgomery, Alabama, on this 18th day of August, 1961.



LESLIE HALL
ASSISTANT ATTORNEY GENERAL
STATE OF ALABAMA