



PC-AL-020-011

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

FILED

JUN 20 1966

R. G. DOBSON, CLERK

By *ds* Clerk

CALIPH WASHINGTON, et al	)	
	)	
Plaintiffs	)	
	)	
vs.	)	
	)	
FRANK LEE, et al	)	Civil Action
	)	
Defendants.	)	No. 2350-N

ANSWER OF DEFENDANT A. MELVIN BAILEY

Now comes A. Melvin Bailey as Sheriff of Jefferson County, Alabama, and without waiving his motion to dismiss previously filed in this cause and the grounds assigned therein and for additional answer to the action filed herein, says as follows:

1. Said defendant denies that the sum in controversy exceeds \$10,000.00 and says that, in fact, no sum is claimed of this defendant.

2. Said defendant denies that common question of law and fact exist concerning the alleged rights of the several plaintiffs or several defendants.

3. Defendant admits that Plaintiff Caliph Washington is presently confined in Jefferson County jail, but defendant has no knowledge of the remainder of the facts averred in paragraph (3) of the First Cause of Action, and demands strict proof thereof.

4. Said defendant has no knowledge of the facts averred in paragraph (4) of the First Cause of Action except insofar as they pertain to this defendant and this defendant admits that he is the duly elected and qualified sheriff of Jefferson County, Alabama, and as such has legal custody and charge of the Jefferson County Jail and all prisoners committed thereto.

5. Said defendant admits the averments of paragraph (5) of the First Cause of Action as to his residence, but has no

knowledge of the other facts alleged therein.

6. Said defendant admits the existence and the substance of the various sections of Title 45 of 1940 Code of Alabama Recompiled 1958 set out in paragraph (6) of the First Cause of Action, but denies that the enforcement of said code provisions deprives the plaintiffs individually or collectively of any rights guaranteed to them under any laws or the Constitution of the United States.

Said defendant further states that neither this defendant nor any defendant named in this action has any authority or responsibility in connection with Section 172 of Title 45 of 1940 Code of Alabama Recompiled 1958.

7. Said defendant admits the existence and substance of the sections of Title 45 of the 1940 Code of Alabama, Recompiled 1958, set out in paragraph (7) of the First Cause of Action but has no knowledge of the arrangements and aid received by the State of Alabama from the United States in its penal system.

Said defendant denies that enforcement of said sections or receipt of any aid deprives plaintiffs individually or collectively of any right guaranteed to them under any laws of the Constitution of the United States.

8. Said defendant denies the averments of paragraph (8) of the First Cause of Action.

9. Said defendant denies the allegations of paragraph (10) of Second Cause of Action.

10. Said defendant has no knowledge of the allegations of paragraph (12) of the Third Cause of Action except insofar as they apply to the Jefferson County Sheriff's Office and denies that

Negroes are excluded from employment by the Jefferson County Sheriff's Office in any capacity because of race, but states that in fact the lack of Negro employees in said office is due to the lack of qualified Negro applicants for such jobs.

DOMINICK, FLETCHER & YEILDING
By Walter Fletcher
Walter Fletcher
Attorneys for Defendant A.
Melvin Bailey, Sheriff of
Jefferson County, Alabama

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing has been served upon Charles Morgan, Jr., at 5 Forsyth Street, N. W., Atlanta, Georgia, by mailing the same by first class United States mail with postage prepaid on this the 16 day of June, 1966.

Walter Fletcher
Walter Fletcher, Attorney for
Defendant, A. Melvin Bailey.